

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2006-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING THE MACPHAIL
TENTATIVE PARCEL MAP FOR PROPERTY LOCATED AT 1716 FOOTHILL
BOULEVARD, APN 011-192-016**

1
2 **WHEREAS**, property owner Colin MacPhail submitted an application for a
3 Tentative Parcel Map to allow the subdivision of a 31,200 square foot lot located at
4 1716 Foothill Boulevard in the R-1 zoning district into three parcels of 18,148, 6,525 and
5 6,527 square feet; and
6

7 **WHEREAS**, the proposal is consistent with the 4 – 10 dwelling units per acre
8 allowed under the General Plan Medium Density Residential designation; and
9

10 **WHEREAS**, the proposed lots meet or exceed the Zoning Ordinance minimum
11 lot area, lot dimensions and setbacks for the R-1 district; and
12

13 **WHEREAS**, the Planning Commission reviewed and considered this application
14 at its regular meeting on April 26, 2006, and prior to taking action on the application, the
15 Commission received written and oral reports by the Staff, and received public
16 testimony; and
17

18 **WHEREAS**, this action has been reviewed for compliance with the California
19 Environmental Quality Act (CEQA) and has been determined Categorical Exempt from
20 the requirements of CEQA pursuant to Section 15315 of the CEQA Guidelines; and
21

22 **WHEREAS**, pursuant to Section 16.10.040 of the Calistoga Municipal Code the
23 Planning Commission has made the following findings for approval of the Tentative
24 Parcel Map (PM 2006-01):
25

- 26 1. *That the proposed subdivision, together with the provisions for its design and*
27 *improvement, is consistent with the General Plan, any applicable specific plan,*
28 *and other applicable provisions of this code.*
29

30 The proposal is consistent with the Medium Density Residential General Plan
31 designation, which allows 4 to 10 dwelling units per acre. The proposal is for 4.17
32 dwelling units per acre. There is no applicable specific plan.
33

- 34 2. *Except for condominium conversion projects, where no new structures are*
35 *added, that the design of the proposed subdivision provides, to the extent*
36 *feasible, for future passive or natural heating or cooling opportunities in the*
37 *subdivision, as described in the State Subdivision Map Act and any guidelines*
38 *promulgated by the Council.*
39

40 The generous setbacks and orientation of homes built on the new lots would not
41 prohibit the feasibility of passive or natural heating or cooling opportunities.
42

- 43 3. *That the site is physically suitable for the type and density of development.*

44 The proposed lots meet all the Zoning Ordinance requirements for lot area,
45 depth, width, and setbacks. The proposal is consistent with other development in
46 the area.

47
48 4. *That the proposed subdivision has been reviewed in compliance with the*
49 *California Environmental Quality Act (CEQA) and that the project will not result in*
50 *detrimental or adverse impacts upon the public resources, wildlife or public*
51 *health, safety and welfare.*

52
53 The project has been found to be categorically exempt from the requirements of
54 CEQA under Section 15315, Minor Land Divisions. This exemption is for land
55 divisions into four or fewer parcels in urbanized areas zoned for residential uses
56 which the division is in conformance with the General Plan and zoning, no
57 variances are required, all services and access to the parcels are available, the
58 parcel was not involved in a division of a larger parcel within the previous two
59 years and the parcel does not have an average slope greater than 20 percent.

60
61 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
62 Commission that based on the above Findings, the Planning Commission approves the
63 MacPhail Tentative Parcel Map, subject to the following 28 conditions of approval:

64
65 **Planning Conditions:**

66 1. The configuration of the Final Parcel Map may include minor amendments,
67 provided that all proposed parcels comply with the Zoning Ordinance and
68 General Plan, and the modification does not result in any increased
69 environmental impact. Any modification shall be subject to approval by the
70 Planning and Building Department Director and the Department of Public Works
71 Director.

72
73 2. This Tentative Parcel Map shall expire on April 26, 2008, unless an extension
74 has been granted consistent with the subdivision ordinance and the Subdivision
75 Map Act.

76
77 3. Prior to the recordation of the Final Parcel Map, all current and estimated taxes
78 due for this property shall be paid to the County Tax Collector's office.

79
80 4. Prior recordation of the final parcel map, the developer shall pay a quality of life
81 development impact fee in the amount of \$6,000.00 to offset the impacts to cultural
82 and recreation facilities.

83
84 5. Prior to the recordation of the Final Parcel Map, all parcel corners and angle
85 points, and all right-of-way curve points shall be monumented, subject to the
86 approval of the City Engineer.

87
88 **General Conditions:**

89 6. Developer shall design and construct all improvements and facilities shown on any
90 approved tentative map, site plan, or other documents submitted for permit
91 approval, all representations made by Developer, and with the plans and

92 specifications submitted to and approved by City, to comply with the General Plan,
93 the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public
94 Works Department. Approval of a tentative map depicting improvements that do
95 not conform to the CMC or City standards does not constitute approval of
96 exception to the CMC or City standards unless explicitly stated herein or in another
97 City resolution.

98
99 7. The developer shall be responsible for all City plan check, map check and
100 inspection costs. The developer shall deposit funds into a City Developer
101 Deposit Account upon the initiation of plan check services. The amount of the
102 initial deposit shall be determined by the City Engineer. Additional funds may be
103 required based upon actual plan check costs. Prior to approval of the
104 improvement plans the developer shall pay any outstanding balance for plan
105 checking services and shall deposit an additional amount based upon the City's
106 estimate of inspection costs.

107
108 8. In the event that the City is forced to condemn or acquire off-site property interest
109 in connection with required off-site improvements, the developer shall fund the
110 cost of condemnation or acquisition, including but not limited to the amounts
111 necessary to purchase the easement or fee simple interest, document
112 preparation, and severance or other damages payable to the owners of the land
113 upon which the improvements are to be located, the actual cost and acquisition
114 and all fees, including attorney's fee and/or other expenses necessary to
115 prosecute the condemnation action, including expert witness and appraisal fees.

116
117 In the event that the City elects to proceed with acquisition or condemnation
118 pursuant to Government Code Section 66462.5, the developer shall, within 60
119 days of written notice by the City, deposit with the City, as an advance, the full
120 estimated cost of such acquisition or condemnation. The developer shall prepare
121 any easements or deeds necessary for off-site improvements.

122
123 9. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both
124 on-site and along project frontages, shall be placed underground. This does not
125 include surface mounted transformers, pedestal mounted terminal boxes and
126 meter cabinets.

127
128 10. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or
129 underground fuel storage tanks shall be abandoned under permit and inspection
130 of Napa County Environmental Management or other designated agency. If
131 there are none, the project engineer shall provide a letter describing the scope of
132 the search done to make this determination.

*only new wells - not
existing per Paul 5/23/06*

133
134 **Improvement Plan Conditions:**

135 11. The developer shall prepare and submit improvement plans for the construction
136 of all necessary and required improvements including water, sanitary sewer,
137 storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and
138 streetlights. All design and construction shall conform to the City of Santa Rosa

139 Standard Specifications for Public Improvements, or other adopted City of
140 Calistoga standards as applicable.
141

142 12. The Developer shall prepare a Soils Investigation/Geotechnical Report. The
143 improvement plans shall incorporate all design and construction criteria specified
144 in the report.
145

146 13. No grading or other construction shall be performed until the improvement plans
147 have been approved and signed by the City Engineer. Encroachment Permits
148 and Building Permits will not be issued prior to the approval of the improvement
149 plans. An Encroachment Permit is required for any work within the City's rights
150 of way.
151

152 14. Improvement plans shall include an erosion control (winterization) plan.
153

154 ~~15.~~ Before or any construction activity that would result in a land disturbance of one
155 acre or larger, the developer shall provide evidence that a Notice of Intent has
156 been submitted and received by the North Coast Regional Water Quality Control
157 Board for a General Construction Activity Storm Water Permit. A copy of the
158 project Storm Water Pollution Protection Plan shall be submitted to the City.
159

160 16. Tree preservation measures shall be incorporated into the design of the
161 improvements and shown on the improvement plans in accordance with the
162 City's Tree Preservation Ordinance (CMC 19.01).
163

164 17. Roadway Improvements:
165

166 a. The structural section of all road improvements shall be designed based
167 upon a geotechnical investigation that provides the basement soils R-
168 value and expansion pressure test results. A copy of the geotechnical
169 report shall also be submitted with the first set of improvement plan check-
170 prints.
171

172 b. Where new roadway improvements abut existing paving, the existing
173 pavement section shall be reconstructed to provide adequate conforms.
174 The limits of such reconstruction shall be as determined by the Public
175 Works Director.
176

177 c. Pavement markings and signage shall be provided on all streets as
178 necessary and as required by the City Engineer. Signage restricting
179 parking and red painted curbing shall be installed where appropriate.
180 Speed limit signs shall be installed at locations determined by the City
181 Engineer.
182

183 d. Street lighting shall be designed to provide to meet safety requirements
184 and minimize glare.
185

- 186 e. Ramps for disabled persons shall be provided at all intersections and at the
187 limits of the improvements where they do not adjoin existing sidewalk
188 improvements. Sidewalk warps shall be provided as necessary to allow a
189 clear four-foot wide walkway at all locations, including areas where
190 mailboxes, streetlights, and fire hydrants obstruct sidewalks.
191
192 f. All broken or sunken curb, gutter and sidewalk along the project frontage
193 shall be repaired as part of the improvements for this project. All existing
194 nonconforming pedestrian ramps and driveway approaches shall be
195 brought up to current accessibility standards. All curb, gutter and sidewalk
196 damaged in the course of construction shall be replaced prior to final
197 inspection or issuance of a Certificate of Occupancy.
198
199 g. The half-width of Myrtle Street shall be constructed consistent with the
200 approved Improvement Plans of Myrtle Street between Gold Street and
201 Oak Street. Improvements shall include curb, gutter, contiguous 5-foot
202 wide sidewalk and streetlights.
203

204 18. Water and Sanitary Sewer Improvements:

- 205
206 a. Any structure in which plumbing is to be installed shall be connected to the
207 City's water and sewer systems unless an exception has been explicitly
208 granted in accordance with the provisions of the CMC.
209
210 b. All public water and sewer mains must be located in public right-of-way
211 wherever possible. Where public water and sewer mains must be located
212 on private property, all necessary easement dedications must be made
213 prior to final acceptance of the project by the City.
214
215 c. All private storm drains, water, fire line services, sewer laterals, and
216 appurtenances, must be located within the private property and clearly
217 identified as private on the design drawings.
218
219 d. Sewer grades must be designed such that ultimate finished floors are a
220 minimum of 12" above upstream manhole or clean-out rim elevations.
221 Inadequate elevation differentials or grade on private laterals, as
222 determined by the City, must be mitigated by either raising finished floor
223 elevation(s) or installing privately owned and operated sewer lift station(s)
224 with grinder/ejector pump(s) on site.
225

226 19. Drainage Improvements:

- 227
228 a. All project related flooding impacts shall be mitigated by the project
229 developer. Drainage improvements shall be designed by a civil engineer
230 in accordance with the Napa County Design Criteria and any applicable
231 adopted City drainage plans. The capacity and condition of existing
232 drainage facilities downstream of the development shall be analyzed and
233 off-site drainage improvements shall be constructed as necessary. Site

234 grading and drainage improvements shall be shown on the improvement
235 plans.

236
237 b. The developer's engineer shall include a site-grading plan that conforms
238 to the requirements of CMC 19.08 as part of the required improvement
239 drawings. Lots shall be generally designed to drain to the street, unless
240 otherwise approved in the interest of tree preservation or other unusual
241 circumstances.

242
243 c. All drainage inlets shall be permanently marked "No Dumping-Flows to
244 River".

245
246 **Final Map Conditions:**

247 20. An easement shall be provided across proposed Parcel #2 in favor of the
248 Remainder Parcel for the purposes of drainage and maintenance of the drainage
249 facilities.

250
251 21. The developer shall secure all necessary rights-of-way and easements for both
252 onsite and offsite improvements. Rights-of-way and easements shall be
253 dedicated on the map or provided by grant deed. The developer shall prepare all
254 necessary legal descriptions and deeds.

255
256 22. The final map shall not be approved prior to approval of the improvement plans.

257
258 23. Prior to approval of the final map, the developer shall either complete required
259 construction as shown on the signed improvement plans, or enter into an
260 Improvement Agreement in accordance with Calistoga Municipal Code Section
261 16.18.070. A certificate of occupancy shall not be issued for any structure until
262 required improvements are completed to the satisfaction of the City Engineer.

263
264 24. A final map, as defined in the State Subdivision Map Act and prepared by a
265 licensed surveyor or civil engineer, showing all parcels, rights-of-way, and
266 easement(s) shall be filed with the City Engineers Office. Upon recording of the
267 map, the subdivision is valid.

268
269 **Subdivision Final and/or Release of Securities Conditions:**

270 25. All improvements shown on the Improvement Plans shall be completed and
271 accepted by the City.

272
273 26. A complete set of *As-Built* or Record improvement plans showing all constructive
274 changes from the original plans shall be submitted to the Public Works
275 Department prior to acceptance of the public improvements.

276
277 27. Prior to acceptance of the work, the developer shall provide a written statement
278 signed by his or her engineer certifying that they observed the work during
279 construction and that site grading and all private site improvements have been
280 completed in accordance with the improvement plans approved by the City
281 Engineer.

282
283 28. Prior to acceptance of the work, the developer shall provide a written statement
284 signed by his or her geotechnical engineer certifying that they observed the work
285 and reviewed testing results, and that all of work was performed in accordance
286 with the recommendations included in the Soils Investigation/Geotechnical Report
287 or other recommendations necessitated by field conditions.

288
289 **PASSED, APPROVED, AND ADOPTED** on April 26, 2006, by the following vote
290 of the Calistoga Planning Commission.

291
292 **AYES:**

293
294 **NOES:**

295
296 **ABSENT:**

297
298
299 JEFF MANFREDI, Chairman

300
301
302 ATTEST: _____
303 KATHLEEN GUILL
304 Secretary to the Planning Commission