

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2015-11**

**APPROVING A PARCEL MAP DIVIDING THE PROPERTY LOCATED AT 957
PETRIFIED FOREST ROAD (APN 011-370-026) INTO 2 PARCELS**

WHEREAS, on September 17, 2014, the property owner submitted a request for a 2-lot parcel map of the property located at 957 Petrified Forest Road (APN 011-370-026). The property owner also submitted a preliminary and final development plan, use permit and design review request to develop a 3-bedroom residence on Proposed Parcel 2; and

WHEREAS, the Planning Commission reviewed the parcel map during a public hearing on March 25, 2015. During its review, the Planning Commission considered the public record, including the staff report, findings, and written materials and testimony presented by the applicant and the public during the hearing; and

WHEREAS, the Planning Commission adopted Resolution 2015-9 adopting a mitigated negative declaration based upon the initial study prepared for this parcel map finding that the parcel map, as amended by mitigation measures agreed to by the applicant, would not have a significant adverse impact on the environment; and

WHEREAS, pursuant to Section 16.10.040 of the Calistoga Municipal Code, the Planning Commission has made the following findings for approval of the parcel map:

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

Supporting Evidence: Adobe Associates, Inc. prepared a slope density analysis that addressed the slope density calculation associated with the Rural Residential – Hillside General Plan land use designation. The average slope of the total property (including Cyrus Creek) is 28.9%. The average slope of proposed Parcel 1 is 29.6% and the minimum allowed parcel size is 1.8 acres. The average slope of proposed Parcel 2 is 27.6% and the minimum parcel size is 1.7 acres. The proposed 3-acre and 5-acre parcels exceed the minimum area required per dwelling unit.

Furthermore, the lot configurations comply with the General Plan policies, specifically the Rural Residential performance standards, as follows:

- *"Provide landscape and/or open space buffers between development and at the entrances to the new development."* The residential developments will have substantial setbacks and will be separated from Petrified Forest Road by Cyrus Creek and dense vegetation.
- *"Maintain scenic vistas from public rights-of-way and existing private development."* Northbound traffic on Petrified Forest Road will have limited

views of the residential developments due to the orientation of the roadway and vegetation. Southbound traffic will have filtered views of the development through the vegetation but the residential developments are low enough in comparison to the surrounding hillside such that no effect on scenic vistas or scenic corridors would occur.

- *"Preserve natural resources important to the community."* The development is proposed in an area that has the least impact on vegetation. The remaining up-sloping vegetated hillside would be preserved.
2. **Finding:** That the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

Supporting Evidence: The design of the parcel map provides, to the extent feasible, for future passive or natural heating or cooling opportunities. The lots are configured in a manner that will allow structures the ability to take advantage of southern exposure and local climates (i.e., summer breezes).

3. **Finding:** That the site is physically suitable for the type and density of development.

Supporting Evidence: As required by the General Plan, development in this area must preserve the rural open space and tree cover. The project would result in 2 developable parcels and would retain the tree cover visible from the roadway. The residential developments would be located at the foot of a hillside at the forest's edge over 50 feet south of Cyrus Creek. Since the homes would be placed at a relatively low elevation and are screened by dense vegetation along Cyrus Creek, negative visual impacts to the Foothill Boulevard and Petrified Forest Road scenic corridors are not anticipated.

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

Supporting Evidence: The project has been analyzed under CEQA and all environmental impacts will be mitigated to a level of less than significant.

NOW, THEREFORE, BE IT RESOLVED based on the above findings, the Planning Commission hereby approves a parcel map date stamped October 21, 2014 creating two parcels, subject to the following conditions of approval:

1. The configuration of the final parcel map may include minor amendments, provided that all proposed parcels comply with the Zoning Ordinance and General Plan, and the modification does not result in any increased environmental impact. Any modifications shall be subject to approval by the Planning and Building Department Director and the Department of Public Works

Director.

2. The tentative parcel map shall expire two years from approval, unless an extension has been granted consistent with the City's Subdivision Code and the State Subdivision Map Act.
3. Prior to recordation of the parcel map, all current and estimated taxes due for this property shall be paid to the County Tax Collector's office.
4. During ground-disturbing activities, a qualified cultural resource consultant and tribal member shall be present to monitor the site and activities. If archaeological, historical, paleontological resources or other human remains are encountered, all construction activity in the affected area shall cease and no materials shall be removed until the qualified professional surveys the site and mitigation measures can be proposed by the qualified professional to the satisfaction of the Planning Division for approval and subsequent implementation.

The above statement shall be added on the Final Map including the delineation of the archeological setbacks as shown on the tentative parcel map.

5. Prior to recordation of the parcel map, all parcel corners and angle points, and all right-of-way curve points shall be monumented, subject to the approval of the City Engineer.
6. All improvements and facilities required herein and as shown on any approved tentative parcel map, site plan, or other documents submitted for approval, all representations made by the applicants, and the plans and specifications submitted to and approved by City shall be designed and constructed to comply with the General Plan, the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public Works Department. Approval of the tentative parcel map depicting improvements that do not conform to the CMC or City standards does not constitute approval of exceptions to the CMC or City standards unless explicitly stated herein or in another City resolution.
7. The subdivider shall be responsible for all City plan check, map check and inspection costs. The subdivider shall deposit funds into a 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 subdivider shall pay any outstanding balance for plan checking services and shall deposit an additional amount based upon the City's estimate of inspection costs.
8. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the subdivider shall fund the cost of condemnation or acquisition, including but not limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition

and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.

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

9. The subdivider shall prepare and submit improvement plans for the construction of all necessary and required improvements. All design and construction shall conform to the City of Santa Rosa Standard Specifications for Public Improvements, or other adopted City of Calistoga standards as applicable.
10. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Encroachment permits and building permits will not be issued prior to the approval of the improvement plans. An encroachment permit is required for any work within the City's rights of way.
11. Tree preservation measures shall be incorporated into the design of the improvements and shown on the improvement plans in accordance with the City's Tree Preservation Ordinance (CMC 19.01).
12. Existing overhead utilities of 26,000 volts or less and proposed utilities, both on-site and along project frontages, shall be placed underground in accordance with Title 16 of the Calistoga Municipal Code, unless waived by the City Council.
13. Roadway Improvements:
 - a. Prior to recordation of the parcel map, a minimum 20-foot wide bridge shall be constructed across Cyrus Creek subject to the review and approval of the City.
 - b. Prior to recordation of the parcel map, the 20-foot wide asphalt roadway shall be constructed from the newly constructed bridge to the shared property line of Proposed Parcel 1 and Proposed Parcel 2.
 - c. Prior to recordation of the parcel map, an adequate turn radius shall be constructed of asphalt near the shared property line of Proposed Parcel 1 and Proposed Parcel 2 subject to the review and approval of the City.
 - d. The structural section of all road improvements shall be designed based upon a geotechnical investigation that provides the basement soils R-value and expansion pressure test results. A copy of the geotechnical report shall also be submitted with the first set of improvement plan check-prints.
 - e. Prior to recordation of the parcel map or in conjunction with the recordation of the parcel map, a maintenance agreement shall be

recorded ensuring and providing for maintenance responsibility for those portions of the roadway that are not dedicated or reserved for public use.

14. Water and Sanitary Sewer Improvements:

- a. Prior to recordation of the parcel map, private water laterals shall be extended from the existing 8-inch water main located near the newly constructed bridge subject to the review and approval of the Public Works and Planning and Building Departments.
- b. Prior to recordation of the parcel map, per CMC Section 16.16.130, a sewer main line shall be brought to the property subject to the review and approval of the Public Works Department unless waived by the City Council.

If waived by the City Council, a permit(s) to construct an onsite wastewater system shall be secured from Napa County Environmental Services prior to issuance of a building permit for any structure that generates wastewater to be disposed of by this system. Plans for an alternative sewage treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions.

- c. All private facilities must be located within the private property and clearly identified as private on the design drawings.

15. Drainage Improvements:

- a. Prior to recordation of the parcel map, a preliminary engineered drainage plan shall be submitted for review and approval by the Public Works Department. The preliminary drainage plan shall address the roadway improvements required herein and runoff resulting from development on the new parcels.
- b. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any applicable adopted City drainage plans. The capacity and condition of existing drainage facilities downstream of the development shall be analyzed and off-site drainage improvements shall be constructed as necessary. Site grading and drainage improvements shall be shown on the improvement plans.
- c. Improvements necessary to mitigate the run-off resulting from the proposed parcels may be deferred until development, provided the necessary easements are secured upon recordation of the parcel map.
- d. Improvement plans shall include an erosion control (winterization) plan.

16. The subdivider shall secure all necessary rights-of-way and easements for both onsite and offsite improvements. Rights-of-way and easements shall be

dedicated on the map or provided by grant deed. The subdivider shall prepare all necessary legal descriptions and deeds.

17. The final map shall not be approved prior to approval of the improvement plans.
18. Prior to approval of the final map, the subdivider shall either complete the required improvements as shown on the signed improvement plans, or enter into an Improvement Agreement in accordance with Calistoga Municipal Code Section 16.18.070.
19. A final map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the City Engineer's Office.
20. A complete set of *As-Built* or Record improvement plans showing all constructive changes from the original plans shall be submitted to the Public Works Department prior to acceptance of the public improvements.
21. Prior to acceptance of the work, the subdivider shall provide a written statement signed by an engineer certifying that they observed the work during construction and that site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer.
22. Prior to acceptance of the work, the subdivider shall provide a written statement signed by a geotechnical engineer certifying that they observed the work and reviewed testing results, and that all work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical Report or other recommendations necessitated by field conditions.

PASSED AND ADOPTED by the Planning Commission of the City of Calistoga at a regular meeting held this 25th day of March 2015, by the following vote:

AYES: MANFREDI, BUSH, COATES, COOPER, WILKES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


JEFF MANFREDI, Chair

ATTEST: 
LYNN GOLDBERG
Planning Commission Secretary