

RESOLUTION 2006-098

A RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL APPROVING A SIX (6) LOT SUBDIVISION OF AN EXISTING 14,400 SQUARE FOOT PARCEL LOCATED AT 1213 ELM STREET WITHIN A "PD", OAK VILLA TOWNHOUSE PLANNED DEVELOPMENT DISTRICT (APN 011-243-007)

WHEREAS, Alois and Ursula Tieber are the owners of the subject property for which this application is proposed;

WHEREAS, the Planning Commission has reviewed and considered this application at its regular meeting on October 11, 2006, and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony. After considering the project, the Commission adopted Resolution No. 2006-35 recommending approval of the Tentative Subdivision Map based upon findings presented in the Staff Report and subject to 32 Conditions of Approval;

WHEREAS, the City Council reviewed the Tentative Subdivision Map during a public hearing at its regularly scheduled meeting on November 8, 2006. During its review, the Council considered the public record of the October 11, 2006 Planning Commission meetings, including the staff report, findings, minutes, and written materials and testimony presented by the property owners during the hearing;

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant to Section 15332 of the CEQA guidelines;

WHEREAS, the City Council pursuant to Title 16 has made the following Subdivision findings for the project:

1. 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.

Response: That the project, together with and any provision for its design and improvement, is consistent with the General Plan, the provisions of the Calistoga Municipal Code and the State Subdivision Map Act.

2. Except for condominium conversion projects, where no new structures are added, 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.

Response: The design of the proposed subdivision 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. That the site is physically suitable for the type and density of development.

Response: The property is relatively flat with several larger trees existing around the perimeter. The site has been determined to be physically suitable for the development of six (6) additional residential units and will have little or no impact on the trees as determined by the project Arborist in conjunction with the Public Works Department.

4. 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.

Response: The project has been found to be categorically exempt from the requirements of California Environmental Quality Act under Section 15332. This action has been reviewed pursuant to the CEQA and is exempt under the General Rule as there is no possibility that the action being contemplated, approval of a six (6)-unit townhouse subdivision, will have any impact on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga City Council hereby approves the Tentative Subdivision Map based on the above Findings and subject to the following 32 Conditions of Approval:

1. The configuration of the Final Subdivision 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 modification shall be subject to approval by the Planning and Building Department Director and the Department of Public Works Director.
2. This Tentative Subdivision Map shall expire on November 8, 2008, unless an extension has been granted consistent with the subdivision ordinance and the Subdivision Map Act.
3. Prior to the recordation of the Final Subdivision 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.
4. Prior to the recordation of the Final Subdivision Map, all current and estimated taxes due for this property shall be paid to the County Tax Collector's office.
5. Prior recordation of the final parcel map, the developer shall pay a quality of life development impact fee pursuant to Section 17.10.020 of the Calistoga Municipal Code to offset the impacts to cultural and recreation facilities.
6. This Tentative Subdivision Map is approved contingent upon the applicant applying for and receiving approval to rezone the site from an "R3-VA", Residential/Professional Office – Visitor Accommodations Combination District to a "PD", Planned Development Zoning District. If the site is not rezoned to a "PD", Planned Development Zoning District, this approval shall be null and void.
7. Developer shall design and construct all improvements and facilities shown on any approved tentative map, 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), the "Standard Specifications" of the Public Works Department. Approval of a tentative map 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.

8. The developer shall be responsible for all City plan check, map 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.
9. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer 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 developer 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.

10. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages, shall be placed underground. This includes surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
11. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Napa County Environmental Management or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination.
12. Prior to recordation of the Final Map, a copy of the project's Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the Planning and Building Department for review and approval.
13. Prior to recordation of the Final Map, the CC&R document shall reference the approved residential design guidelines and slope and drainage improvement maintenance plan, and a fence program.
14. Prior to recordation of the Final Map, the CC&R's shall make adequate provisions for funding driveway and improvements within the public right of way and establishing a maintenance cycle standard.
15. Prior to recordation of the Final Map, the CC&R's shall make adequate provisions for a refuse enclosure. The refuse area shall be properly screened and gated. The Planning and Building Director shall review and approve the location and screening of the refuse area.

B. Improvement Plan Conditions

16. The developer shall prepare and submit improvement plans for the construction of all necessary and required improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and streetlights. 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.
17. For all subdivision and parcel maps, the Developer shall prepare a Soils Investigation/Geotechnical Report. The improvement plans shall incorporate all design and construction criteria specified in the report.
18. 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.
19. Improvements plans shall include an erosion control (winterization) plan.
20. 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) and the project arborist's recommendations.
21. Roadway Improvements:
 - a. 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.
 - b. 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 the Public Works Director.
 - c. Pavement markings and signage shall be provided on all streets as necessary and as required by the City Engineer. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the City Engineer.
 - d. Street lighting shall be designed to meet safety requirements and minimize glare.
 - e. Ramps for disable persons shall be provided at all intersections and at the limits of the improvements where they do not adjoin existing sidewalk improvements. Sidewalk warps shall be provided as necessary to allow a clear four-foot wide walkway at all locations, including areas where mailboxes, streetlights, and fire hydrants obstruct sidewalks.
 - f. All broken or sunken curb, gutter and sidewalk along the project frontage shall be repaired as part of the improvements for this project. All existing nonconforming

pedestrian ramps and driveway approaches shall be brought up to current accessibility standards. All curb, gutter and sidewalk damaged in the course of construction shall be replaced prior to final inspection or issuance of a Certificate of Occupancy.

- g. The developer shall submit street improvement plans addressing on site and off site improvements for review and approval by the Public Works Department. The street improvement plans shall include landscape and construction plans for a sidewalk that is adjacent to the existing curb and is designed to retain the trees on and off site.

22. Water and Sanitary Sewer Improvements:

- a. Any structure in which plumbing is to be installed shall be connected to the City's water and sewer systems unless an exception has been explicitly granted in accordance with the provisions of the CMC.
- b. All public water and sewer mains must be located in public right-of-way wherever possible. Where public water and sewer mains must be located on private property, all necessary easement dedications must be made prior to final acceptance of the project by the City.
- c. All private storm drains, water, fire line services, sewer laterals, and appurtenances, must be located within the private property and clearly identified as private on the design drawings.
- d. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private laterals, as determined by the City, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated sewer lift station(s) with grinder/ejector pump(s) on site.
- e. The developer shall be responsible for the removal of the existing steel mainline and the installation of an 8-inch water main, which will connect to the public water main on Lincoln Avenue and extend along Myrtle Street across the frontage of the property with a fire hydrant at the corner of Elm and Myrtle Streets. The line shall be designed and installed to the satisfaction of the Public Works Department. The developer may prepare and submit a reimbursement agreement for those portions of the water line not along the property's frontage.
- f. The Developer shall agree to provide the Public Works Department with the necessary documentation to show that the existing City sewer mains are adequately sized to accept effluent generated from the project. Each lot shall be separately served with an individual sewer lateral. The developer, if required by the Public Works Department, should also provide the City with a closed circuit television inspection of the sewer line along the Elm Street frontage and repair and/or replace the line if warranted.

23. Drainage Improvements:

- a. All project related flooding impacts shall be mitigated by the project developer. 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.
- b. 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. Lots shall be generally designed to drain to the street, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
- c. All drainage inlets shall be permanently marked "No Dumping-Flows to River".

C. Final Map Conditions

24. The developer 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 developer shall prepare all necessary legal descriptions and deeds.
25. The final map shall not be approved prior to approval of the improvement plans.
26. Prior to approval of the final map, the developer shall either complete required construction as shown on the signed improvement plans, or enter into an Improvement Agreement in accordance with Calistoga Municipal Code Section 16.18.070. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City Engineer.
27. A note shall be added to the final map indicating that the property owners are responsible for the maintenance of all landscaping, infrastructure and roadway/driveway improvements.
28. 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 Engineers Office. Upon recording of the map, the subdivision is valid.

D. Subdivision Final and/or Release of Securities Conditions

29. All improvements shown on the Improvement Plans shall be completed and accepted by the City.
30. 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.
31. 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

site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer.

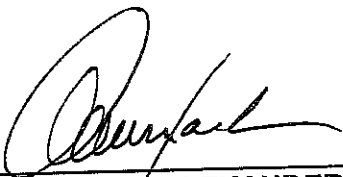
32. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 8th day of November 2006, by the following vote:

AYES: Councilmember Dunsford, Vice Mayor Gingles,
Councilmember Slusser, Councilmember von Pohle, and
Mayor Alexander

NOES: None

ABSTAIN/ABSENT: None



DR. ANDREW ALEXANDER, Mayor

ATTEST


SUSAN SNEDDON, City Clerk