

City of Calistoga

Staff Report

TO Honorable Mayor and City Council
FROM Lynn Goldberg, Planning and Building Director
DATE January 16, 2018
SUBJECT Calistoga Vista Tentative Map (TM 2017-1)

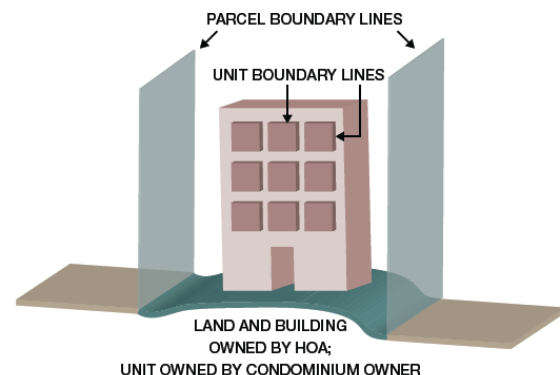
APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

- 1 **ISSUE:** Consideration of a tentative map for the Calistoga Vista project
- 2 **RECOMMENDATION:** Following a public hearing, approve the attached resolution
- 3 **BACKGROUND:** On December 13, 2017, the Planning Commission considered a
 4 proposal for a 50-unit condominium project with a density bonus and an affordable
 5 housing concession/incentive. The applicants also filed for an airspace condominium
 6 subdivision.
- 7 Following a public hearing, the Commission approved use permit and design review
 8 applications for the project, and adopted a resolution PC 2017-20 recommending that
 9 the City Council approve the associated tentative map.
- 10 The attached Commission staff report includes a comprehensive description of the
 11 project and an analysis of its consistency with the City's plans, policies and codes.
- 12 **DISCUSSION:** Although the applicant
 13 plans on renting the proposed units for a
 14 period of time, approval of an "air space"
 15 condominium map is requested to allow
 16 the units to be sold at a future date.
- 17 The proposed subdivision would involve
 18 an "airspace" condominium arrangement.

Airspace Condominium



19 The boundaries of an airspace condominium unit typically include the interior,
20 unfinished surfaces of the unit's perimeter walls, floors, ceilings, windows and
21 doors. The property owned by an owner (the owner's separate interest) consists of the
22 block of airspace created by the interior, unfinished surfaces of the unit's perimeter
23 walls, floors and ceilings. Using this structure, the owner would own the paint on the
24 walls and ceilings, and any finishes placed on the floor (e.g., tile, hardwood, carpet), as
25 well as the block or "cube" of airspace located within those boundaries and any
26 improvements located within that airspace (e.g., cabinetry, appliances, plumbing
27 fixtures).

28 Everything existing beyond those boundaries (the physical drywall, subfloor, unit
29 foundation, roof, etc.) would generally constitute common area. The owner of an
30 airspace condominium unit often also has certain portions of association common
31 area designated for the owner's exclusive use (e.g., patios, balconies, decks, parking
32 spaces). These "exclusive use common areas" are not owned by the owner in his/her
33 individual capacity; they are a portion of common area reserved for the owner's
34 exclusive use via the provisions of the association's CC&Rs.

35 The proposed conditions of approval for the tentative map, along with those adopted by
36 the Planning Commission as part of its use permit and design review approvals
37 (attached Resolution No. 2017-18), would ensure that the project complies with the
38 design, dedication and public improvements requirements of Municipal Code Title 16,
39 Subdivisions. These include the construction of paving, curb, gutter and sidewalk along
40 the project's entire Grant Street frontage: sewer system improvements; and a 15-foot
41 wide access easement from Grant Street to the sanitary sewer main on the adjoining
42 property in favor of the City.

43 **CONSISTENCY WITH COUNCIL GOALS AND OBJECTIVES:** Approval of the
44 project's subdivision map would help fulfill the following City Council goals, objectives
45 and priority projects for Fiscal Year 2017-18:

46 *Goal 4: Create an environmentally-sustainable community.*

47 *Priority Projects*

48 *3. Implement the Calistoga Active Transportation Plan in order to improve and*
49 *enhance walkways and bicycle trails.*

50 *Goal 7: Address the community's housing needs.*

51 *Objectives*

52 *2. Expand housing opportunities, including workforce housing.*

53 **ENVIRONMENTAL REVIEW:** California Public Resources Code Section 21084
54 requires the California Environmental Quality Act (CEQA) Guidelines to include a list of
55 classes of projects which have been determined not to have a significant effect on the
56 environment and which are, therefore, exempt from the provisions of CEQA. In
57 response to that mandate, the Secretary for Resources has found that certain classes of
58 projects do not have a significant effect on the environment, and they are declared to be
59 categorically-exempt from the requirement for the preparation of environmental
60 documents. This approach is encouraged by the State, where appropriate, to reduce

61 delay and paperwork. The Project qualifies for a Class 32 Categorical Exemption for In-
62 Fill Development Projects, as described in detail in the attached Planning Commission
63 staff report.

64 **FISCAL IMPACTS:** The project would pay development impact fees as part of its
65 building permit. Upon completion, the project would generate property tax for the City.
66 Sales tax may also be generated, depending on the type of business that occupies the
67 live-work units.

ATTACHMENTS

1. Draft resolution
2. Planning Commission staff report and PC Resolution No. 2017-18
3. Project description
4. Inclusionary Housing Proposal and Request for Density Bonus, Development Standards Concession and Reduced Parking
5. Project plans (selected sheets)
6. Tentative Map dated June 2, 2017

RESOLUTION NO. 2018-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, ADOPTING TENTATIVE MAP TM 2017-1 APPROVING THE CREATION OF 50 RESIDENTIAL CONDOMINIUMS AND A COMMON AREA PARCEL ON A SINGLE LOT AT 1408 & 1506 GRANT STREET

1 **WHEREAS**, on December 13, 2017, the Calistoga Planning Commission
2 approved use permit and design review applications to allow the construction of 50
3 dwelling units and related improvements at 1408 & 1506 Grant Street (APNS 011-101-
4 001 AND 011-101-009); and

5 **WHEREAS**, the applicant seeks approval of Tentative Map TM 2017-1 dated
6 June 2, 2017 to create 50 residential condominiums and a common area parcel on a
7 single lot at the above-referenced location; and

8 **WHEREAS**, on December 13, 2017, the Calistoga Planning Commission
9 adopted PC Resolution No. 2017-20, recommending approval of Tentative Map TM
10 2017-1 to the City Council; and

11 **WHEREAS**, the City Council, during its review of the proposed tentative map at
12 a public hearing, considered the public record, including the staff report, findings, and
13 any written materials and testimony presented by the public.

14 **NOW, THEREFORE, BE IT RESOLVED** that pursuant to Calistoga Municipal
15 Code Section 16.10.040, the City Council of the City of Calistoga makes the following
16 findings for the subject tentative map application:

- 17 1. The proposed subdivision, together with the provisions for its design and
18 improvement, is consistent with the General Plan, any applicable specific
19 plan, and other applicable provisions of this [Calistoga Municipal] code.

20 Supporting Evidence: As detailed in the Planning Commission project staff
21 report dated December 13, 2017, the project would be consistent with
22 applicable provisions of the General Plan in terms of the applicable land use
23 designation, character area overlay and Housing Element goals. The project
24 would comply with all applicable development standards of Title 17 Zoning,
25 with the exception of maximum building height and minimum parking supply.
26 However, the requested deviations from these standards are allowed by state
27 law. No specific plan applies to the property.

- 28 2. The design of the proposed subdivision provides, to the extent feasible, for
29 future passive or natural heating or cooling opportunities in the subdivision, as
30 described in the State Subdivision Map Act and any City guidelines.

31 Supporting Evidence: The project proposes enough solar photo-voltaic panels to
32 meet all of its electricity requirements, and windows with awnings on all south- and
33 west-facing sides to minimize use of air conditioning.

35 3. The site is physically suitable for the type and density of development.

36 Supporting Evidence: The site is generally flat and has minimal environmental
37 constraints. Adequate parking and residential amenities would be provided.
38 There would be no post-construction increase in stormwater runoff.

39 4. The proposed subdivision has been reviewed in compliance with the CEQA
40 and that the project will not result in detrimental or adverse impacts upon the
41 public resources, wildlife or public health, safety and welfare.

42 Supporting Evidence: The project qualifies under California Environmental
43 Quality Act (CEQA) Guidelines Section 15332 because it is an in-fill
44 development meeting the conditions of a Class 32 exemption and will not
45 result in detrimental or adverse impacts upon the public resources, wildlife or
46 public health, safety or welfare.

47 **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the
48 City of Calistoga hereby approves Tentative Map TM 2017-1, subject to the conditions
49 of approval attached hereto as Exhibit A.

50 **PASSED AND ADOPTED** by the City Council at a duly-noticed regular meeting
51 held the **16th day of January, 2018**, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk

Exhibit A

Conditions of Approval

Calistoga Vista Tentative Map TM 2017-1

- 53 1. Approval of this tentative subdivision map shall expire after 24 months unless an
54 extension has been granted consistent with the Calistoga Subdivision Ordinance
55 and the Subdivision Map Act.
- 56 2. A final subdivision map, as defined in the State Subdivision Map Act and prepared
57 by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and
58 easement(s) shall be filed with the City Engineer. Upon recording of the final
59 subdivision map, the subdivision is valid.
- 60 3. The configuration of the final subdivision map may include minor amendments,
61 provided that the modification does not result in any increased environmental
62 impact. Any modification shall be subject to approval by the directors of the
63 Planning & Building and Public Works Departments.
- 64 4. Prior to recordation of the final subdivision map, all parcel corners and angle
65 points, and all right-of-way curve points shall be monumented, subject to the
66 approval of the City Engineer.
- 67 5. Prior to recordation of the final subdivision map, all current and estimated taxes
68 due for this property shall be paid to the County Tax Collector's office.
- 69 6. Prior to recordation of the final subdivision map, a copy of the project's Covenants,
70 Conditions and Restrictions (CC&R's), including a prohibition on rentals of less
71 than 30 continuous days, shall be submitted to the Planning and Building
72 Department and City Attorney for review and approval.
- 73 7. All conditions of approval contained in Planning Commission Resolutions 2007-18
74 and 2007-19, approving Use Permit UP 2017-8 and Design Review DR 2017-6,
75 respectively, are hereby incorporated into this tentative tract map resolution by
76 reference.
- 77 8. The final subdivision map shall not be approved prior to approval of the project's
78 improvement plans.
- 79 9. Prior to approval of the final subdivision map, the developer shall either complete
80 the required improvements as shown on the approved improvement plans and be
81 accepted by the City, or enter into an improvement agreement in accordance with
82 CMC Section 16.18.070.
- 83 10. A note shall be added to the final subdivision map indicating that the property
84 owners are responsible for the maintenance of all landscaping, on-site
85 infrastructure and roadway/driveway improvements.
- 86 11. The developer shall be responsible for all City plan check, map check and
87 inspection costs. The developer shall deposit funds into a City Developer Deposit
88 Account upon the initiation of plan check services. The amount of the initial deposit

89 shall be determined by the City Engineer. Additional funds may be required based
90 upon actual plan check costs. Prior to approval of the improvement plans,
91 Developer shall pay any outstanding balance for plan checking services and shall
92 deposit an additional amount based upon the City's estimate of inspection costs.