

**CITY OF CALISTOGA
PLANNING COMMISSION**

RESOLUTION PC 2022-XX

**ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM AND APPROVING TENTATIVE MAP
TM 2021-2 FOR A RESIDENTIAL SUBDIVISION CONSISTING OF 15 RESIDENTIAL
LOTS TO SUPPORT SINGLE-FAMILY RESIDENCES AND 6 PARCELS AT 2008
GRANT STREET (APN 011-010-033)**

WHEREAS, on February 8, 2021, the Planning and Building Department received an application from Civic Park Properties requesting a tentative map and design review approval to allow for the development of a residential subdivision consisting of 15 residential lots for single-family residences and 6 parcels to be utilized as open space and access at 2008 Grant Street (APN 011-010-033); and

WHEREAS, on February 7, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was published in the Calistoga Tribune, mailed to all property owners within 600 feet of the property at 2008 Grant Street in compliance with state and local law; and

WHEREAS, on February 7, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was posted on the City's website; and

WHEREAS, on March 11, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was published for a second time in the Calistoga Tribune; and

WHEREAS, on March 16, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was posted on the City's website and bulletin boards; and

WHEREAS, the Planning Commission considered the request at a public hearing on March 23, 2022. The Planning Commission received written and oral reports by the staff, and received public testimony, and voted to continue review of the project to a date uncertain; and

WHEREAS, on April 15, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was mailed to all property owners within 600 feet of the property at 2008 Grant Street in compliance with state and local law; and

WHEREAS, on April 15, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was posted on the City's website; and

WHEREAS, on April 15, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was published for a second time in the Calistoga Tribune; and

WHEREAS, on April 20, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was posted on the City's website and bulletin boards; and

WHEREAS, the Planning Commission received a presentation on proposed revisions to the tentative map at a public hearing on April 27, 2022. The Planning Commission received a written memorandum by the staff and a presentation by the applicant, received public testimony, and voted to continue review of the tentative map to a date certain of June 22, 2022; and

WHEREAS, the Planning Commission pursuant to Chapter 16.10.040 has made the following findings for the project:

1. 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 the municipal code.

Supporting Evidence: The project is consistent with the policies included in the General Plan. The site is under the Medium Density Residential Land Use Designation and the project would provide dwelling units appropriate for its land use designation. The project would further the goals of the Housing Element to provide infill housing development.

2. 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 subdivision considers the climate, parcel configuration, and design and improvement requirements, to the extent feasible, in the subdivision design as a subdivision into single family lots that provide for exposure to natural heating and cooling.

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

Supporting Evidence: The project proposes single family residential development, which is a permitted use on the site and at a suitable density provided by the Medium Density Residential Land Use Designation.

4. 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 reviewed for compliance with CEQA and will not result in significant impacts with implementation of mitigation measures as provided in the Initial Study/Mitigated Negative Declaration for the project.

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA), and an Initial Study/Mitigated Negative Declaration was prepared to analyze potential impacts; and

WHEREAS, in accordance with the CEQA (California Public Resources Code 21000 et. seq.), the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day public review and comment period from February 7, 2022, to March 8, 2022; and

WHEREAS, though not required, public and agency comments received on the Public Draft IS/MND were responded to in a Response to Comments document dated March 2022, which was included in the March 23, 2022 Planning Commission Staff Report, Attachment 6 thereto; and

WHEREAS, subsequent refinements to the Project served to minimize the development footprint, reduce the volume of fill to be imported onsite, and preserve additional trees, relative to the analysis presented in the IS/MND, and therefore no new impacts or greater impacts would occur and no further revisions to the IS/MND are warranted; and

WHEREAS, the Planning Commission considered the environmental review record and requested entitlements at a public hearing on June 22, 2022. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings, the Planning Commission adopts the Initial Study/Mitigated Negative Declaration and associated MMRP, and approves the subject tentative map application, subject to the attached conditions of approval (Exhibit A) and MMRP (Exhibit B).

ADOPTED on June 22, 2022, by the following vote of the Calistoga Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Cooper, Chair

ATTEST: _____
Jeff Mitchem, Secretary

Exhibit A

Conditions of Approval
Tentative Map TM 2021-2

General

1. The improvements and uses hereby permitted shall substantially conform to the plans received as part of application TM 2021-2 by the Planning and Building Department, except as noted in the permit conditions.
2. The Planning and Building Director may approve minor amendments to this permit provided that the permit is still in substantial conformance with the original approval.
3. The tentative map approval shall expire June 22, 2024, unless a request for extension is received and approved by the City, following the requirements for subdivisions under Chapter 16.10 of the Calistoga Municipal Code.
4. This approval does not abridge or supersede the regulatory powers or permit requirements of any federal, state, or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. Permits shall be obtained as may be required from each authority.

Planning Department

5. The applicant shall implement mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) for 2008 Grant Street.
6. The applicant shall submit a final subdivision map for review and approval and record the final map with the County of Napa.
7. The applicant shall submit a tree removal application for removal of protected trees onsite to the Public Works Department, consistent with Mitigation Measure BIO-7 in the project's MMRP.
8. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) for the maintenance of open space, common areas, and infrastructure within the development. A homeowner's association shall oversee and manage the implementation of CC&Rs.
9. The applicant shall submit architectural plans for single story style (for example, homes given the appearance of single story with a second level built within the roofline) residences on all lots within the subdivision for review and approval by the Planning Commission.
10. Trees over sidewalks shall be pruned to provide a 7-foot minimum clearance over the sidewalk.
11. The project shall be subject to payment of all applicable development impact fees following submittal of building permits for construction of new residential units.

12. Prior to each building permit being issued, the applicant shall be subject to payment of in-lieu fees prorated for each building permit to meet the inclusionary housing requirement under CMC Chapter 17.08.
13. During construction of the project, the contractor shall remain alert and immediately report any suspected oil, gas, or geothermal wells inside the proposed area of work to the California Geologic Energy Management Division (CalGEM) and the Calistoga Planning and Building Divisions.
14. Prior to construction, the applicant shall assess potential erosion between the drainage channel and the western property line and coordinate with property owners as necessary to correct erosion that may affect surrounding properties. The applicant shall obtain required permits for any needed remediation activities.
15. The homeowner's association for the development shall be responsible for yearly maintenance of the drainage area. The homeowner's association shall monitor conditions of the drainage channel, including water levels, obstructions within the channel, and any potential erosion around the channel, and correct conditions that may affect neighboring properties.

Building Department

16. The applicant shall obtain a grading and building permit(s) for construction of the proposed project.
17. The project shall meet all requirements found in California Building Code (CBC) Chapter 11A Housing Accessibility. This may impact design, building heights, orientation, and planning of the site's accessible routes as well as the location of off-street parking which shall also comply with CBC Chapter 11A.

Fire Department

18. The applicant shall submit a tree maintenance plan for the redwood trees lining Redwood Ave to the Calistoga Fire Department. Trees along Redwood Avenue shall be maintained to allow for a minimum 13-foot vertical clearance for fire trucks and street sweepers, as required by the Calistoga Fire Department.

Public Works Department

19. Construction haul routes should be approved by Public Works Department prior to issuance of a grading permit. The existing conditions of any construction haul routes used by vehicles associated with construction of the project shall be documented and any damage to the street as a result of construction shall be restored by the applicant.
20. The improvements and uses shall substantially conform to the plan set dated May 25, 2022, except as noted in the following conditions.
21. All utilities within the site, with the exception of backflow preventers, fire hydrants and transformers, shall be placed underground.

22. The project shall address off-site sewer inadequacies by:
- a. Installing a new 12-inch PVC pipe in North Oak Street from the existing manhole at Grant Street to the existing manhole south of Fair Way.
 - b. Replacing the existing 8-inch clay pipe in Grant Street from Michael Way to North Oak Avenue with an 8-inch PVC pipe.
 - c. The project's sewer main shall be connected to the existing manhole in Grant Street with an 8-inch PVC pipe and the existing 8-inch AC pipe in Redwood Avenue shall be abandoned.
 - d. In lieu of items (a) and (b), Applicant may analyze available sewer capacity in the downstream sewer collection system. The analysis shall demonstrate to the satisfaction of City Engineer, adequate capacity in the existing sewer system to support the proposed project. The analysis shall include wet weather flow monitoring data in manholes downstream of project site along Grant Street, Lake Street and Fair Way. The study shall include full development of sewer tributaries and discharge flows from existing private lift stations along the downstream sewer lines. The scope and limits of sewer study, location and period of flow monitoring shall be approved by the City Engineer prior to initiating the study. The cost of sewer study and third-party review will be the sole responsibility of the Applicant and will not be reimbursable.

Final design of sewer improvements shall be approved by the Public Works Department. The cost of sewer improvements (a) and (b) are eligible for reimbursement, less any proportionate benefit that the current project derives from the improvements, against the project's wastewater capacity/connection fees. For purpose of defining "proportionate benefit", it is the equivalent portion of pipe capacity that will be conveying the development's sewer flow. For example, if the average daily sewer flow from the development as calculated per the Standard Use Table is 2% of the capacity of the new 12" pipe, the developer's proportionate benefit will be 2% of total cost to construct the 12" pipe.

The project's wastewater connection fees may be utilized to pay for this improvement because it will be a direct benefit to the community's sewer collection system. If the amount of Developer's costs for public wastewater improvements are greater than Developer's Wastewater Impact Fee, then any costs above the Wastewater Impact Fee will be credited against Developer's Water Impact Fee.

23. A tree removal permit shall be obtained prior to the removal of any trees on the project site. Mitigations for removed riparian trees shall follow the ratios and replacement locations proposed by the Riparian Corridor Tree Removal and Mitigation Plan, dated December 16, 2021. Replacement requirements for non-riparian trees shall follow the Calistoga Municipal Code (CMC) Chapter 19.01, and Tree Removal Permit conditions. Tree replacement shall follow the proposed

conceptual landscape plan of providing as many replacement trees as possible onsite (estimated at 179), with an off-site replacement number. Off-site replacement trees shall be at the direction of the Public Works Department.

24. A final Arborist Report and Tree Protection Plan shall be submitted to the City prior to the issuance of the tree removal permit.
25. 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, and sidewalks. All design and construction shall conform to the City of Santa Rosa Standard Plans and Specifications for Public Improvements, and other adopted City of Calistoga standards, including but not limited to all federal, state, and local requirements as applicable.
26. The developer shall design and construct all improvements and facilities shown on the approved plans and shall comply with the Calistoga Municipal Code (CMC) and the "Standard Specifications" of the Public Works Department to the satisfaction of the City Engineer. Approval of plans depicting improvements that do not conform to the CMC or City standards does not constitute approval or exception to the CMC or City standards unless explicitly stated herein or by the City Engineer or Public Works Director.
27. The developer shall submit a soils investigation/geotechnical report for the project site with the first set of improvement plan check prints. The improvement plans shall incorporate all design and construction criteria specified in the report. The soils engineer shall review the improvement plans and provide a letter to the City stating the plans are consistent with their recommendations.
28. Improvement plans shall include an erosion control plan and an NOI/SWPPP.
29. An encroachment permit is required for any work within the City's right-of-way.
30. The developer shall dedicate and record all necessary rights-of-way and easements for onsite public improvements. Rights-of-way and easements shall be dedicated on the project's subdivision map or provided by grant deed. The developer shall prepare all necessary legal descriptions and deeds and incur all costs associated with their recordation and/or City peer-review costs.
31. All onsite storm drain facilities, except for the main storm drain pipe conveying offsite drainage from the diversion structure (which will be owned and maintained by the City), shall be privately owned and maintained.
32. A minimum 15-foot wide public utility easement shall be dedicated for the onsite water main and the main storm drain pipe conveying offsite drainage from the diversion structure.
33. All existing public utility, drainage or roadway easements shall be abandoned.

34. A complete set of electronic (i.e., CAD and PDF) and hard copy as-built and reproducible record improvement plans showing all constructive changes from the original plans shall be submitted to the Public Works Department prior to City acceptance of the public improvements. The plans shall include sub-centimeter survey-grade locations (x,y,z) for all off-site utilities (e.g., manhole locations, water valves, fire hydrants, catch basins) upon completion of installation of the facilities for incorporation into the City's utility infrastructure database.
35. Improvement plans, project documents, and as-built plans shall use the National American Vertical Datum of 1988 (NAVD88).
36. Prior to City acceptance of the work shown on the signed improvement plans, the developer shall provide a written statement signed by the project engineer certifying that site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer. The City will not be accepting on-site improvements; the City will approve them based on the project engineer's wet signature statement.
37. Prior to City acceptance of the work (see above), the developer shall provide a written statement signed by their geotechnical engineer certifying that they observed the work and reviewed testing results and that all of the work was performed in accordance with the recommendations included in the soils investigation, geotechnical report or other recommendations necessitated by field conditions.

Street Improvements

38. The first improvement plan submittal shall address on-site and off-site street improvements for review and approval by the Public Works Department.
39. 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.
40. The Developer shall grind and overlay Redwood Avenue with a minimum of 3-inch hot mix asphalt, or as recommended by the project geotechnical engineers and civil engineers of record.
41. New sidewalk shall be extended to Grant Street along west side of Redwood Avenue within the existing public Right of Way.
42. Damaged curb and gutter along Redwood Avenue shall be repaired prior to pavement overlay.
43. 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.
44. 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. A licensed Traffic Engineer shall design the site entrance improvements to ensure safe conveyance of pedestrians, bicyclists, and vehicles.

45. All internal roads and driveways shall be privately owned and maintained.

Water and sanitary sewer improvements

46. The project's sewer main shall be connected to the existing manhole in Grant Street with an 8-inch PVC pipe and the existing 8-inch AC pipe in Redwood Avenue shall be abandoned.
47. Water main shall be looped by a new 8-inch line from Grant Street and Redwood Avenue intersection to Amber Way. All new watermains, hydrant and service lines will be owned and maintained as public utilities.
48. Where public water or 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.
49. 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.
50. Developer/Owner shall design and install a private on-site sewer lift station in compliance with all current regulations. Developer/Owner shall prepare an Operation and Maintenance Plan. Prior to issuance of the first occupancy certificate or recordation of the Final Map, whichever comes first, the Developer/Owner or HOA shall sign and record a Maintenance Agreement to properly maintain the system. If the Maintenance Agreement is recorded prior to the formation of an HOA, it shall include language that the Developer/Owner is responsible for ongoing maintenance until such time as the Maintenance Agreement is duly transferred to the HOA with the approval from the City and recorded with the Napa County Recorder's Office. Developer/Owner or HOA as appropriate shall provide the City with an annual summary of maintenance of the system to the satisfaction of the Public Works Department.
51. Sewer grades must be designed such that ultimate finished floors are a minimum of 12-inches 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 raising finished floor elevation(s).
52. Internal sewer lines, lift stations, and sewer appurtenances shall be privately owned and maintained.
53. The new water services for each lot shall be a single new point of connection to serve fire and domestic, similar to Santa Rosa Standard Detail 870.
54. Domestic booster pumping may be required to adequately serve the project (per Santa Rosa Standard Water Standards Section XIV).

55. Provide final fire flow/sprinkler calculations that include existing city pressure/flows at main and account for all losses due to the new service line, backflow devices/meters/minor losses, and elevation losses to the project. Additional fire pumping will likely be required to adequately serve the project.
56. The City agrees to provide the project a baseline annual allocation of domestic water as defined under the Resource Management System to serve 15 new single-family dwellings subject to payment of the Water Service Connection Fee in effect at the time of building permit issuance. The total water baseline annual allocation shall be determined per the City's Standard Use Table at the time of building permit issuance.
57. The City agrees to provide the project a baseline annual allocation of wastewater as defined under the Resource Management System to serve 15 new single-family dwellings subject to payment of the Wastewater Service Connection Fee in effect at the time of building permit issuance. The total wastewater baseline annual allocation shall be determined per the City's Standard Use Table at the time of building permit issuance.
58. The development shall not utilize geothermal water or discharge any geothermal water to the City's sewer collection system.

Drainage improvements

59. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any other applicable City standards. Off-site grading and drainage improvements, if any, shall be shown on the improvement plans.
60. Developer/Owner shall design and install a private on-site drainage system to be compliant with all current regulations. Developer/Owner shall prepare an Operation and Maintenance Plan. Prior to issuance of the first occupancy certificate or recordation of the Final Map, whichever comes first, Developer/Owner or HOA shall sign and record a Maintenance Agreement to properly maintain the system. If the Maintenance Agreement is recorded prior to the formation of an HOA, it shall include language that the Developer/Owner is responsible for ongoing maintenance until such time as the Maintenance Agreement is duly transferred to the HOA with the approval from the City and recorded with the Napa County Recorder's Office. Developer/Owner or HOA as appropriate shall provide the City with an annual summary of maintenance of the system to the satisfaction of the Public Works Department. Developer/Owner or HOA as appropriate shall prepare and sign a maintenance agreement related to all storm drain facilities that require significant modification. The Maintenance Agreement shall include the existing drainage ditch in Parcels B, C, D and F. Public storm drains shall be excluded from the Maintenance Agreement.
61. Project hydrology and hydraulic shall be designed to retain the 100-year, 24-hour storm event to ensure the post-project improvements' peak stormwater discharge is

not higher than existing conditions. The project will be required to retain/detain this volume at a minimum.

62. A final drainage study and stormwater control report (per BASMAA standards) is required prior to improvement plans approval.
63. 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.
64. All drainage inlets shall be permanently marked "No Dumping-Flows to River". Stenciling is not acceptable.
65. All internal drainage facilities including the existing drainage ditch in Parcels B, C, D and F, shall be privately owned and maintained except for the storm drain pipe conveying offsite drainage from the diversion structure.
66. The Developer's engineer shall design a flow diversion structure to limit flow to the existing drainage ditch to the maximum capacity of the existing ditch. All excess flow shall be conveyed by a properly-sized storm drain pipe to the existing 54-inch pipe in Grant Street.
67. The drainage system shall be designed to prevent any overtopping in the existing drainage ditch to Grant Street.
68. Lot to lot runoff or runoff to neighboring properties shall not be allowed unless the runoff is contained within a drainage easement.