

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-12**

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING A TENTATIVE PARCEL MAP (PM 2008-03) SUBDIVIDING 9.70 ACRES OF LAND INTO 4 PARCELS LOCATED ALONG GRANT STREET (APN 011-390-035) WITHIN THE “RR”, RURAL RESIDENTIAL ZONING DISTRICT.

1 **WHEREAS**, the property owners, Vincent and Marjorie Arroyo, are requesting
2 approval of a Tentative Parcel Map (PM 2008-03) to divide an existing 9.70-acre parcel
3 into four separate legal lots of record. The parcels would range in size from 2.18 to 2.54
4 gross acres. The property owners have also requested an exemption to the wastewater
5 connection requirements to allow individual septic systems. The property is located on
6 Grant Street (APN 011-390-035) within the “RR”, Rural Residential Zoning District;
7

8 **WHEREAS**, the Planning Commission has reviewed and considered this
9 application at its regular meeting on July 8, 2009 and prior to taking action on the
10 application, the Commission received written and oral reports by the Staff, and received
11 public testimony;
12

13 **WHEREAS**, An Initial Study/Mitigation Negative Declaration (IS/MND) was
14 completed in accordance with applicable CEQA Guidelines, and on May 22, 2009 the
15 IS/MND was circulated for public and agency review and comment. Copies of the
16 IS/MND were made available to the public at the Department of Planning and Building
17 on May 22, 2009, and the IS/MND was distributed to interested parties and agencies.
18 On May 22, 2009 a notice of the Planning Commission public hearing of July 8, 2009 to
19 review the IS/MND was published in the local newspaper;
20

21 **WHEREAS**, the Planning Commission pursuant to Title 16 Subdivisions has
22 made the following findings for the project:
23

- 24 1. *That the proposed development, together with any provisions for its design and*
25 *improvement, is consistent with the General Plan, any applicable specific plan*
26 *and other applicable provisions of this code including the finding that the use as*
27 *proposed is consistent with the historic, rural, small-town atmosphere of*
28 *Calistoga.*

29 Finding: The project, together with and any provision for its design and
30 improvement, is consistent with the General Plan, the provisions of the Calistoga
31 Municipal Code and the State Subdivision Map Act.
32

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

39 Finding: The design of the proposed subdivision provides, to the extent feasible,
40 for future passive or natural heating or cooling opportunities. The lots are
41 configured in a manner that will allow structures the ability to take advantage of
42 southern exposure and local climates (i.e. summer breezes).
43

44 3. *That the site is physically suitable for the type and density of development.*
45

46 Finding: The property is relatively flat planted with vineyard with scattered trees
47 along Garnett Creek. The site has been determined to be physically suitable for
48 the development of four (4) residential units and will have little or no impact on
49 the natural landscape upon the implementation of the mitigation measures and
50 conditions of approval associated with the project.
51

52 4. *That the proposed development has been reviewed in compliance with the*
53 *CEQA and that the project will not result in detrimental or adverse impacts upon*
54 *the public resources, wildlife or public health, safety and welfare.*
55

56 Finding: The Project has been analyzed under CEQA and all environmental
57 impacts will be mitigated to a level of less than significant.

58 The impact fees and exactions paid pursuant to the conditions imposed under
59 the Parcel Map ensure that the Project has no adverse impacts on public health,
60 safety and welfare.
61

62 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
63 Commission that based on the above Findings, the Planning Commission recommends
64 to the City Council approval of the proposed Tentative Parcel Map, subject to the
65 following Conditions of Approval:
66

67 **A. General Conditions**
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69 1. The configuration of the Parcel Map may include minor amendments, provided
70 that all proposed parcels comply with the Subdivision Ordinance, Zoning
71 Ordinance and General Plan, and the modification does not result in any
72 increased environmental impact. Any modification shall be subject to approval
73 by the Planning and Building Department Director and the Department of Public
74 Works Director.
75

76 2. The Property Owner accepts all rights and responsibilities as established by Title
77 16 of the Calistoga Municipal Code, unless otherwise superceded by other
78 applicable local, State or Federal legislative action.
79

80 3. This Parcel Map shall expire on _____, unless an extension has been
81 granted consistent with the Subdivision Ordinance and the Subdivision Map Act.
82

83 4. A final map, as defined in the State Subdivision Map Act and prepared by a
84 licensed surveyor or civil engineer, showing all parcels, rights-of-way, and
85 easement(s) shall be filed with the City Engineers Office. Upon recording of the

- 86 map, the subdivision is valid.
87
88 5. Prior to the recordation of the Final Map, all parcel corners and angle points, and
89 all right-of-way curve points shall be monumented, subject to the approval of the
90 City Engineer.
91
92 6. Prior to the recordation of the Final Map, all current and estimated taxes due for
93 this property shall be paid to the County Tax Collector's office.
94
95 7. The final map shall not be approved prior to approval of the improvement plans.
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97 8. Prior to approval of the final map, the Property Owner shall either complete
98 required construction as shown on the signed improvement plans, or enter into
99 an Improvement Agreement in accordance with Calistoga Municipal Code
100 Section 16.18.070. A certificate of occupancy shall not be issued for any
101 structure until required improvements are completed to the satisfaction of the City
102 Engineer.
103
104 9. Property Owner shall design and construct all improvements and facilities shown
105 on any approved parcel map, site plan, or other documents submitted for permit
106 approval, all representations made by Property Owner, and with the plans and
107 specifications submitted to and approved by City, to comply with the General Plan,
108 the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public
109 Works Department. Approval of a parcel map depicting improvements that do not
110 conform to the CMC or City standards does not constitute approval of exception to
111 the CMC or City standards unless explicitly stated herein or in another City
112 resolution.
113
114 10. The Property Owner shall be responsible for all City plan check, map check and
115 inspection costs. The Property Owner shall deposit funds into a City Property
116 Owner Deposit Account upon the initiation of plan check services. The amount
117 of the initial deposit shall be determined by the City Engineer. Additional funds
118 may be required based upon actual plan check costs. Prior to approval of the
119 improvement plans the Property Owner shall pay any outstanding balance for
120 plan checking services and shall deposit an additional amount based upon the
121 City's estimate of inspection costs.
122
123 11. In the event that the City is forced to condemn or acquire off-site property interest
124 in connection with required off-site improvements, the Property Owner shall fund
125 the cost of condemnation or acquisition, including but not limited to the amounts
126 necessary to purchase the easement or fee simple interest, document
127 preparation, and severance or other damages payable to the owners of the land
128 upon which the improvements are to be located, the actual cost and acquisition
129 and all fees, including attorney's fee and/or other expenses necessary to
130 prosecute the condemnation action, including expert witness and appraisal fees.
131
132 In the event that the City elects to proceed with acquisition or condemnation
133 pursuant to Government Code Section 66462.5, the Property Owner shall, within

- 134 60 days of written notice by the City, deposit with the City, as an advance, the full
135 estimated cost of such acquisition or condemnation. The Property Owner shall
136 prepare any easements or deeds necessary for off-site improvements.
137
- 138 12. The Property Owner shall secure all necessary rights-of-way and easements for
139 both onsite and offsite improvements, including but not limited to, access, storm
140 drainage, sewer, water and public utilities. Rights-of-way and easements shall
141 be dedicated on the map or provided by grant deed. The Property Owner shall
142 prepare all necessary legal descriptions and deeds.
143
- 144 13. A note shall be added to the final map indicating that the property owners are
145 responsible for the maintenance of all landscaping, infrastructure and
146 roadway/driveway improvements.
147
- 148 14. All mitigation measures contained in Resolutions 2009-10 are hereby
149 incorporated into this Parcel Map Resolution by reference and shall be
150 considered conditions of approval.
151
- 152 **B. Improvement Plan Conditions**
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- 154 15. The Property Owner shall prepare and submit improvement plans for the
155 construction of all necessary and required improvements including water lines,
156 storm drain facilities, roadway improvements and pathways. All design and
157 construction shall conform to the City of Santa Rosa Standard Specifications for
158 Public Improvements, or other adopted City of Calistoga standards as applicable.
159
- 160 16. The Property Owner shall prepare a Soils Investigation/Geotechnical Report
161 specific to the Improvement Plans. The Improvement Plans shall incorporate all
162 design and construction criteria specified in the report.
163
- 164 17. No grading or other construction shall be performed until the Improvement Plans
165 have been approved and signed by the City Engineer. Encroachment Permits
166 and Building/Grading Permits will not be issued prior to the approval of the
167 Improvement Plans. An Encroachment Permit is required for any work within the
168 City's public rights-of-way or that involves City infrastructure.
169
- 170 18. Improvements plans shall include an erosion control (winterization) plan.
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- 172 19. Tree preservation measures shall be incorporated into the design of the
173 improvements and shown on the Improvement Plans in accordance with the
174 City's Tree Preservation Ordinance (CMC 19.01) and the project arborist's
175 recommendations.
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- 177 20. Roadway Improvements:
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- 179 a. The Property Owner shall submit street improvement plans addressing on
180 site and off site improvements for review and approval by the Public
181 Works Department, as follows.

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Grant Street:

The south half of Grant Street shall be designed with a 12-foot wide paved travel way, 5-foot natural parkway, a 5-foot asphaltic pathway and designated as a Class III bike route.

Private Access Roadway:

The private access roadway shall be designed with a 28-foot half-width roadway cross-section, which shall include a 10-foot wide travel way and an 18-foot natural parkway containing a roadside drainage ditch.

Emergency Vehicle Access:

A separate 20-foot wide gravel emergency vehicle access (EVA) that will provide secondary access from the terminus of the private roadway back to Grant Street around the rear perimeter of proposed Parcels A and B with a easement extending across APN 011-390-028.

- b. Upon completion of the Private Access Roadway and Emergency Vehicle Access, a *“Private Roadway Easement and Maintenance Agreement”* shall be recorded ensuring and providing for maintenance responsibility and parking enforcement for those portions of the private roadway and emergency vehicle access.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

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21. Water Main Improvements:
- a. Upon the development of the first parcel, the property owner shall design and constructed an 8” public water main line extending from Grant Street though the project to the terminus of the private roadway “looped” back to the Grant Street main line through the EVA behind proposed parcels A and B and APN 011-390-028.
 - b. Any structure in which plumbing is to be installed shall be connected to the City’s water system unless an exception has been explicitly granted in accordance with the provisions of the CMC.
 - c. All public water 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.
 - d. All private storm drains, water, fire line services, and appurtenances, must be located within the private property and clearly identified as private on the design drawings.
22. Private On-site Septic Systems
- a. Prior to recordation of the Final Map, a leach field easement on proposed parcel A for benefit of proposed parcels A and B shall be shown or referred to on the Final Map.
 - b. Prior to recordation of the Final Map, a note shall be included on the Final Map that provides reference to the agreement do the management of the shared sewage disposal area, noting that each parcel shall be served by a separate on-site septic tank installed under permit approved by the Napa County Environmental Management Division and connected to an approved sewage disposal area in the shared sewage disposal area.
 - c. An agreement for the management of the shared swage disposal area shall be recorded concurrently with the Final Map upon review and approval of the Public Works Director and the Napa County Department of Environmental Management. The Agreement shall detail the legal responsibility of each individual owning a parcel that is connected to the shared sewage disposal area. The Agreement shall specify: each parcel and the rights to dispose of liquid waste; each parcel owner’s obligation to share cost with regard to system maintenance; and that each parcel shall be served by a separate on-site septic tank installed under permit approved by the Napa County Environmental Management Division.
23. Drainage Improvements:

- 278 a. The Property Owner shall submit improvement plans addressing on site
279 and off site drainage improvements for review and approval by the Public
280 Works Department.
281
- 282 b. Drainage improvements shall be designed by a civil engineer in
283 accordance with the Napa County Design Criteria and any applicable
284 adopted City drainage plans. Site grading and drainage improvements
285 shall be shown on the improvement plans.
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- 287 c. The Property Owner's engineer shall include a site-grading plan that
288 conforms to the requirements of CMC 19.08 as part of the required
289 improvement drawings. Lots shall be generally designed to drain to the
290 street, unless otherwise approved in the interest of tree preservation or
291 other unusual circumstances.
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- 293 d. All drainage inlets shall be permanently marked "No Dumping-Flows to
294 River".
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296 **C. Subdivision Final and/or Release of Securities Conditions**
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- 298 24. All improvements shown on the Improvement Plans shall be completed and
299 accepted by the City.
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- 301 25. A complete set of *As-Built* or Record improvement plans showing all constructive
302 changes from the original plans shall be submitted to the Public Works
303 Department prior to acceptance of the public improvements.
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- 305 26. Prior to acceptance of the work, the Property Owner shall provide a written
306 statement signed by his or her engineer certifying that they observed the work
307 during construction and that site grading and all private site improvements have
308 been completed in accordance with the improvement plans approved by the City
309 Engineer.
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- 311 27. Prior to acceptance of the work, the Property Owner shall provide a written
312 statement signed by his or her geotechnical engineer certifying that they observed
313 the work and reviewed testing results, and that all of work was performed in
314 accordance with the recommendations included in the Soils
315 Investigation/Geotechnical Report or other recommendations necessitated by field
316 conditions.
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318 **PASSED, APPROVED AND ADOPTED** on July 8, 2009, by the following vote of
319 the Calistoga Planning Commission:
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321 AYES:

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323 NOES:

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325 ABSENT/ABSTAIN:

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JEFF MANFREDI, Chairman

ATTEST: _____
Kathleen Guill
Secretary to the Planning Commission