

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** ERIK V. LUNDQUIST, ASSOCIATE PLANNER

**MEETING DATE:** JULY 8, 2009

**SUBJECT:** ARROYO TENTATIVE PARCEL MAP – GRANT STREET (APN 011-390-035)

---

1 **REQUEST:**  
2

3 Property owners, Vincent and Marjorie Arroyo, are requesting approval of a Tentative  
4 Parcel Map (PM 2008-03) to divide an existing 9.70-acre parcel into four separate legal  
5 lots of record. The parcels would range in size from 2.18 to 2.54 gross acres. The  
6 property owners have also requested an exemption to the wastewater connection  
7 requirements to allow individual septic systems. The property is located on Grant Street  
8 (APN 011-390-035) within the "RR", Rural Residential Zoning District.  
9

10 **RECENT PROPERTY HISTORY:**  
11

12 December 19, 2005	Tentative Parcel Map Application (TTM 2005-03) submitted 13 requesting to divide APN 011-390-033 into four lots 14
15 May 23, 2007	16 Planning Commission tabled the matter at request of 17 Property Owner
18 August 13, 2007	19 Property Owner's withdraw Tentative Parcel Map 20 Application (TTM 2005-03)
21 September 21, 2007	22 Property Owner submits Lot Lone Adjustment Application 23 (LLA 2007-02)
24 July 7, 2008	25 Lot Line Adjustment (LLA 2007-02) recorded in the Official 26 Records of the County of Napa and the property assigned 27 new APN 011-390-035.
28 April 18, 2008	29 Tentative Parcel Map Application (PM 2008-03) submitted 30 requesting to divide APN 011-390-035 into four lots. 31 32 33

34  
 35  
 36  
 37  
 38  
 39  
 40

**PROJECT INFORMATION:**

**A. Site Information**

<b>SITE INFORMATION</b>	
General Plan Designation	Rural Residential
Zoning	RR Rural Residential
Allowed Uses	RR: Single-Family dwellings, Second Dwelling units; Light Agricultural Uses - farms on a commercial scale devoted to growing of field, tree, berry or bush crops, and vegetable or flower gardens.
Uses Permitted w/ Use Permit	RR: Public or private recreational and educational uses and their necessary facilities; Light Agricultural Uses - farms on a commercial scale devoted to hatching, raising, fattening, or marketing of animals; the grazing & experimental or selective breeding or training of cattle or horses.
Minimum Lot Size	RR: 20,000 square feet if City water and wastewater services are provided. Minimum Lot Width – 100 feet Minimum Lot Depth – 200 feet
Maximum Lot Coverage	RR: Primary Building, Including Accessory Structures 30% per lot.
Minimum Setbacks – Main Building	Front: 20' Side Yard, Interior: 10' Side Yard, Corner: 15' Rear: 20' Garnett Creek Setback – 50'
Accessory Structures	5' from rear or side yard property lines.

41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54

**B. Project Setting**

The subject property is located within the City of Calistoga toward the end of the Napa Valley just north of the confluence of the Garnett Creek and the Napa River. The site is bordered by vineyard to the south, Garnett Creek to the east, Grant Street to the north and rural residential parcels to the west. The property is accessed from Grant Street via an approximately 245 foot long, 56 foot wide, panhandle undeveloped private roadway. The site is currently planted with vineyard. No significant trees exist within the interior of the property. Narrow bands of riparian vegetation exist along Garnett Creek, which include predominate tree specimens.

**C. Project Description (Tentative Parcel Map 2008-03)**

55 The property owner is requesting approval of a tentative map to subdivide a 9.70-acre  
56 parcel into 4 residential lots ranging in size from 2.18 to 2.54 gross acres. Vehicular  
57 access will be provided via a new 20-foot wide private roadway, within a 56-foot right of  
58 way. A separate 20-foot wide gravel emergency vehicle access (EVA) will provide  
59 secondary access from the terminus of the private roadway back to Grant Street around  
60 the rear perimeter of proposed Parcels A and B with a easement extending across APN  
61 011-390-028. The new private roadway, the EVA and utilities (water lines, septic  
62 systems, and low and high voltage cables) will be installed over time as the first parcel in  
63 the subdivision develops. Immediate improvements will include roadway improvements,  
64 a 5-foot meandering asphalt pathway and storm drainage improvements along the Grant  
65 Street frontage of those parcels known as APN 011-390-028, -029, -036 & -035. It is  
66 also anticipated that the City will call several deferred improvement agreements affecting  
67 neighboring parcels along Grant Street (APNs 011-390-015, -016 & -018), requiring that  
68 the roadway improvements, 5-foot pathway and storm drainage improvements be  
69 extended along the Grant Street frontage west to the intersection of Greenwood and  
70 east approximately 433 feet of the Garnett Creek Bridge. Other than these Grant  
71 Street and frontage improvements no immediate development of any of the lots is  
72 proposed to occur at this time; the vineyard is proposed to remain in production.  
73

74 The tentative map specifies a 50-foot riparian setback from Garnett Creek. No  
75 improvements will occur in this setback.  
76

#### 77 **DISCUSSION AND STAFF ANALYSIS:**

##### 78 General Plan Consistency:

79  
80  
81 The project site is surrounded to the north, east, and west by low intensity existing  
82 residential uses and vineyards located within the "RR" Rural Residential General Plan  
83 Land Use Designation. As identified in the Land Use Element of the General Plan, uses  
84 allowed under the Rural Residential Designation generally include crop production,  
85 vineyards, light agricultural structures, and single-family residences up to one unit per  
86 acre.  
87

88 Furthermore, the General Plan identifies that the allowed density shall be determined  
89 through the subdivision review process, which will include an assessment of the  
90 proposed development according to the following performance standards.  
91

- 92 • Cluster development consistent to minimize the deleterious effects of  
93 monotonous development that contradicts the residential character of the  
94 community.
- 95 • Preserve and enhance open space and agricultural lands.
- 96 • Target higher densities, within range, adjacent to the more densely developed  
97 areas and lower densities, within the range, adjacent to the more densely  
98 developed areas and lower densities, within the range, outward to the City's edge  
99 consistent with the community's interest in feathering development.
- 100 • Maintain scenic vistas from public rights-of-way and existing private  
101 development.
- 102 • Preserve natural resources important to the community.

- 103 • Enhance the rural traditions of the community and preserve Calistoga’s small-  
104 town character through sensitive architectural and site planning.  
105

106 The Applicant has designed and assembled the lots in a fashion that achieves the  
107 aforementioned performance standards. The proposed building pads are placed and/or  
108 oriented within each of the proposed parcels such that there is a sense of organic, non-  
109 repetitious, treatments, which will minimize potentially deleterious effects. The areas  
110 outside of the building envelopes will be preserved as open space. The large setbacks  
111 and roadway configuration preserves the existing views to the surrounding hillsides and  
112 maintains the character of the community, which mirrors the surrounding residential lots  
113 along Greenwood Avenue and Myrtledale Road.  
114

115 Zoning Consistency:  
116

117 The subject site is currently zoned “RR”, Rural Residential. The proposed 2.18 to 2.54-  
118 acre lots have been shown to have sufficient room to conform to the zoning and the  
119 development standards in Section 17.14.040 for minimum lot width of 100 feet, minimum  
120 parcel size of one acre, building setback requirements and the proposed parcels have  
121 been shown to have adequate room to satisfy the parking requirements of two spaces  
122 not in tandem per dwelling unit pursuant to Section 17.36.130.  
123

124 As discussed above, staff finds that the project can be found to conform with the intent of  
125 the Zoning Code and that the necessary findings can be made to support the request for  
126 a Tentative Parcel Map creating four parcels.  
127

128 The project is consistent with the development standards of the “RR”, Rural Residential  
129 Zoning District.  
130

131 Roadway Improvements and Access:  
132

133 The Circulation Element of the General Plan designates Grant Street as a Collector  
134 Street with a Class III Bicycle Route (roadways that are designated for bicycle use only  
135 by signs, without demarcation or striping). On November 8, 2006, the City Council  
136 adopted Ordinance No. 633 which establishes the full geometric configuration for Grant  
137 Street. Ordinance No. 633 is codified in Section 12.04.130(C)(4) of the Calistoga  
138 Municipal Code (CMC). Section 12.04.130(C)(4) requires Grant Street Section – Mora  
139 Avenue to Myrtledale Road at the City limits to contain a 24-foot paved roadway, 5-foot  
140 natural parkway and a 5-foot asphalt pathway on the south side, and designated as a  
141 Class III Bike Route. Given these standards, a condition of approval will be applied to  
142 the project requiring the applicant to design and construct these improvements to Grant  
143 Street prior to recordation of the Final Map or as specified through execution of a  
144 Subdivision Improvement Agreement.  
145

146 In addition, it is also anticipated that the City will call several deferred improvement  
147 agreements affecting neighboring parcels along Grant Street (APNs 011-390-015, -016,  
148 -018, -028, -029 & -036), requiring that the required improvements be extended along  
149 the Grant Street frontage west to the intersection of Greenwood Avenue and east  
150 approximately 433 feet of the Garnett Creek Bridge.

151

152 Furthermore, the property owners are requesting approval of an approximately 785 foot  
153 long private roadway extending from Grant Street in order to access the proposed lots.  
154 The private roadway will be will be developed with a 28-foot half width and contain a 10-  
155 foot travelway and an 18-foot natural parkway containing a roadside drainage ditch.  
156 Given this configuration, no parking would be allowed on the roadway section. In  
157 addition, since the private roadway extends beyond 500 an additional ingress and  
158 egress for emergency vehicles is warranted. In order to address this need, the property  
159 owner proposes to develop a separate 20-foot wide gravel emergency vehicle access  
160 (EVA) that will provide secondary access from the terminus of the private roadway back  
161 to Grant Street around the rear perimeter of proposed Parcels A and B with a easement  
162 extending across APN 011-390-028. The entire private roadway, the entire EVA and  
163 water mainline will be installed upon the development of the first parcel with the  
164 subdivision. Conditions of approval have been incorporated that address the  
165 aforementioned improvements and the applicable timing of said improvements.

166

167 Since a private roadway is proposed, pursuant to Calistoga Municipal Code Section  
168 16.16.030B, the property owner is required to provide a feasible method for maintenance  
169 of, and parking enforcement on the private streets, which is subject to the review and  
170 approval of the Director of Public Works and the City Attorney. The property owners  
171 have submitted a draft "Shared Maintenance Agreement", which has been reviewed by  
172 staff but has not been formally accepted. Therefore, a condition of approval will be  
173 provided that requires the finalization and recordation of the Maintenance Agreement  
174 concurrently with the recordation of the Final Map.

175

176 Drainage:

177

178 Currently, surface run-off flows to Garnett Creek via naturally occurring depressions and  
179 insignificant drainage courses, which overtime has the potential to create scouring and  
180 erosion of the stream bed. As a result of this project storm water will be redirected via a  
181 design storm drainage system comprised of hard pipes and grass lined swales where it  
182 will be allowed to percolate into the ground water. As a result, conditions of approval  
183 have been incorporated into this project to ensure drainage systems are designed and  
184 constructed in accordance with all standard and project specific specifications.

185

186 Water Supply (domestic/potable and fire suppression):

187

188 The property owners propose to extend an 8" public water main line from Grant Street  
189 though the project to a dead end at the terminus of the private roadway upon the  
190 development of the first parcel. Staff has some concern with this design due to  
191 heighten concerns for water quality and adequate pressure in the system. As a result,  
192 the Public Works Department recommends that the 8-inch water line be "looped" back to  
193 the Grant Street main line through the EVA behind proposed parcels A and B and APN  
194 011-390-028.

195

196 Developing a looped system rather than dead ended will result in greater reliability in the  
197 system. It is desirable to feed water to any location in the system from at least two  
198 directions. That way, during an emergency or routine shut down of one line, service can

199 be provided from the other direction. In addition, since water will feed from two directions  
200 to something like a fire hydrant, velocities and friction losses will be lower. This saves  
201 energy and cost. Fire hydrants shall be installed at a maximum spacing of 500' at  
202 locations approved by the Fire Chief. Conditions of Approval have been included that  
203 require said improvements and their timing.

204  
205 Septic System Improvements:

206  
207 Section 16.16.130(A) of the Calistoga Municipal Code (CMC) requires all new  
208 subdivisions to connect to the City's sanitary sewer system. However, Section  
209 16.16.130(B) CMC provides owner's the ability to petition the City Council for an  
210 exception to this requirement for those subdivisions of land within Rural Residential  
211 General Plan Land Use designations, provided that the minimum parcel size is two acres  
212 and the overall density is not greater than 0.5 dwelling units/acre (one unit per two  
213 acres).

214  
215 A petition was received from Vincent and Marjorie Arroyo for an exception to the sanitary  
216 sewer connection requirement for their proposed residential subdivision. As previously  
217 stated, the property has a General Plan Land Use designation of Rural Residential and  
218 is proposed to be divided into four lots ranging in size from 2.18 to 2.54 acres. Since the  
219 proposed parcels meet the minimum parcel size and the overall density is greater than  
220 0.41 units per acre, the project may be granted an exception upon Council's approval.

221  
222 The City Council considered the item on January 20, 2009, but continued the item to an  
223 uncertain date to allow completion of the environmental review of the proposed Parcel  
224 Map and the private septic system.

225  
226 Section 16.16.130B of the CMC further sets out certain criteria for evaluating petitions  
227 for exceptions as follows:

- 228  
229 a. *The proximity of existing public sewer mains to the subject property;*  
230 b. *The ability to provide a public sewer main to the site;*  
231 c. *The likelihood of adjoining property(ies) developing and the need for the*  
232 *extension of public sewer facilities to accommodate such development;*  
233 d. *The potential environmental effects resulting from the installation of public*  
234 *facilities given the physical conditions and improvements present at the*  
235 *property including, but not limited to: slope, soil conditions, tree cover, existing*  
236 *features and structures, etc. which might present constraints to the extension of*  
237 *public sewer facilities;*  
238 e. *The physical conditions and improvements present at the property including,*  
239 *but not limited to: slope, soil conditions, tree cover, existing features and*  
240 *structures, etc. which might present significant on-going costs for maintenance*  
241 *of the public facilities.*  
242 f. *The ability provide public service to the frontage of the adjoining property(ies);*  
243 g. *The adequacy of the proposed private system to satisfy the requirements of the*  
244 *Napa County Environmental Health Department.*  
245

246 Planning and Public Works staff has reviewed the petition with respect to these criteria.  
247 Staff has determined that while the existing sewer in Grant Street could be extended to  
248 serve this property, the proposed distance to connect to the existing sewer in Grant  
249 Street and service all four parcels is approximately 1,840 feet. Furthermore, the  
250 crossing of Garnett Creek would require the installation of a sewer lift station. Operation  
251 and maintenance of the lift station would present significant on-going costs. Due to the  
252 existing topography of the surrounding properties, it appears that this extension and lift  
253 station would have limited potential to serve other connections. A permit for the  
254 installation of the on-site sewage disposal system to serve each parcel must be secured  
255 from the Napa County Department of Environmental Management. The Environmental  
256 Management Department has reviewed the site evaluations and supports the tentative  
257 parcel map provided that a septic easement is recorded over proposed Parcel A for the  
258 benefit of proposed Parcel B. If the County does not ultimately approve the required  
259 permits for the private septic system, the property owner(s) will be required to connect to  
260 the City sewer system subject to the review and approval of the Public Works  
261 Department.

262  
263

**FINDINGS:**

264  
265  
266

To reduce repetition all of the appropriate Findings are contained in each of the appropriate Resolutions.

267  
268  
269

**AGENCY COMMENTS:** No written agency comments have been received subsequent to the posting of the public notice.

270  
271  
272

**PUBLIC COMMENTS:** One written public comment was received on June 23, 2009, see discussion below.

273  
274  
275

**ENVIRONMENTAL REVIEW:**

276 In accordance with the California Environmental Quality Act (CEQA), the City of  
277 Calistoga, Planning and Building Department prepared an Initial Study/CEQA Checklist  
278 for the project. Potentially significant impacts to aesthetics, air quality, biological  
279 resources, cultural resources, geology and soils, water quality, noise and utilities and  
280 service systems were identified. The applicant has agreed to incorporate the mitigation  
281 measures; therefore, the Planning and Building Department determined that the  
282 proposed project as amended by mitigation measures would not have a significant  
283 adverse impact on the environment. As previously stated, the Initial Study/Mitigated  
284 Negative Declaration was sent to the State Clearinghouse for distribution to state  
285 agencies. The comment period for the environmental document was May 22 to June 22,  
286 2009. Both a Notice of Intent to Adopt a Mitigated Negative Declaration and a Notice of  
287 Public Hearing were sent to all property owners within 300 feet of the subject site. The  
288 notice advised of the public comment period and also advised that additional comments  
289 would be taken at the public hearing. Prior to any project approvals, the Planning  
290 Commission will need to recommend adoption of the Mitigated Negative Declaration.  
291 CEQA requires the lead agency to consider the environmental document in conjunction  
292 with the comments received. If the comments contain substantial evidence supporting a  
293 fair argument that the project may actually produce significant environmental impacts,

294 the lead agency must find a way to mitigate the impacts to a level of insignificance, and  
295 then recirculate a revised proposed negative declaration or prepare an EIR.

296  
297 As a result of sending the CEQA notice to the State Office of Planning and Research  
298 (OPR) Clearinghouse, the City has received one (1) written comments:

299  
300 1. A letter was received from Katherine Philippakis of Garella Braun and Martel,  
301 representing Jack Berquist, the property owner of 1602 Greenwood Avenue on  
302 June 23, 2009. Ms. Philippakis claims that an EIR is required since the property  
303 owner has two tentative parcel maps pending on contiguous parcels. She has  
304 requested that both maps be refilled as one subdivision and subject to an EIR.

305  
306 Response: Ms. Philippakis may have been misinformed. This Tentative Parcel  
307 Map (PM 2008-03) is the only pending application on the property. Tentative  
308 Parcel Map (TTM 2005-03) was withdrawn on August 13, 2007. As such, the  
309 City finds that the concerns have been adequately addressed.

310  
311 **RECOMMENDATIONS:**

312  
313 1. Staff recommends that the Planning Commission adopt Planning Commission  
314 Resolution PC 2009-10 recommending to the City Council adoption of a Mitigated  
315 Negative Declaration based on an Initial Study prepared for the Arroyo Tentative  
316 Parcel Map, and based upon the findings and mitigation measures as provided in  
317 the resolution.

318  
319 2. Staff recommends that the Planning Commission adopt Planning Commission  
320 Resolution PC 2009-11 recommending to the City Council approval of an  
321 exception to the wastewater connection requirements based upon the findings and  
322 subject to conditions of approval as provided in the resolution.

323  
324 3. Staff recommends that the Planning Commission adopt Planning Commission  
325 Resolution PC 2009-12 recommending approval of a Tentative Parcel Map (PM  
326 2008-01) based upon the findings and subject to conditions of approval as  
327 provided in the resolution.

328  
329 **SUGGESTED MOTIONS:**

330  
331 A. I move that the Planning Commission adopt Planning Commission Resolution PC  
332 2009-10 recommending to the City Council adoption of a Mitigated Negative  
333 Declaration based on an Initial Study prepared for the Arroyo Tentative Parcel  
334 Map incorporating the findings and mitigation measures as provided in the  
335 Resolution.

336  
337 B. I move that the Planning Commission adopt Planning Commission Resolution PC  
338 2009-11 recommending to the City Council approval of an exception to the  
339 wastewater connection requirements based upon the findings and subject to  
340 conditions of approval as provided in the resolution.

341



- 342 C. I move that the Planning Commission adopt Planning Commission Resolution PC  
343 2009-12 recommending to the City Council approval of a Tentative Parcel Map  
344 (PM 2008-03) incorporating the findings and subject to conditions of approval as  
345 provided in the Resolution.  
346

347 **ATTACHMENTS:**  
348

- 349 1. Mitigated Negative Declaration and Mitigation Monitoring Program Resolution PC  
350 2009-10  
351 2. Exemption to Wastewater Connection Requirements Resolution PC 2009-11  
352 3. Tentative Parcel Map Resolution PC 2009-12  
353 4. Project Plans  
354 5. Initial Study Abbreviated (Full version available upon request)  
355 6. Shared Maintenance Agreement for Private Roadway  
356 7. Ms. Philippakis's letter received June 23, 2009  
357 8. Mr. Fulton's letter withdrawing Tentative Parcel Map Application (TTM 2005-03)