

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA 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. After considering the project, the Commission adopted Resolution
12 2008-12 recommending approval of Tentative Subdivision Map based upon findings
13 presented in the Staff Report and subject to conditions of approval;

14
15 **WHEREAS**, the City Council has reviewed and considered the application for the
16 Project at its regular meeting on August 4, 2009 and prior to taking action on the
17 application, the Council received written and oral reports by the Staff, and received
18 public testimony;

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

27
28 **WHEREAS**, the City Council pursuant to Calistoga Municipal Code Title 16
29 Subdivisions has made the following findings for the project:

- 30
31 1. *That the proposed development, together with any provisions for its design and*
32 *improvement, is consistent with the General Plan, any applicable specific plan*
33 *and other applicable provisions of this code including the finding that the use as*
34 *proposed is consistent with the historic, rural, small-town atmosphere of*
35 *Calistoga.*

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

- 39
40 2. *Except for condominium conversion projects, where no new structures are*
41 *added, that the design of the proposed subdivision provides, to the extent*

42 *feasible, for future passive or natural heating or cooling opportunities in the*
43 *subdivision, as described in the State Subdivision Map Act and any guidelines*
44 *promulgated by the Council.*

45
46 Finding: The design of the proposed subdivision provides, to the extent feasible,
47 for future passive or natural heating or cooling opportunities. The lots are
48 configured in a manner that will allow structures the ability to take advantage of
49 southern exposure and local climates (i.e. summer breezes).

50
51 3. *That the site is physically suitable for the type and density of development.*

52
53 Finding: The property is relatively flat planted with vineyard with scattered trees
54 along Garnett Creek. The site has been determined to be physically suitable for
55 the development of four (4) residential units and will have little or no impact on
56 the natural landscape upon the implementation of the mitigation measures and
57 conditions of approval associated with the project.

58
59 4. *That the proposed development has been reviewed in compliance with the*
60 *CEQA and that the project will not result in detrimental or adverse impacts upon*
61 *the public resources, wildlife or public health, safety and welfare.*

62
63 Finding: The Project has been analyzed under CEQA and all environmental
64 impacts will be mitigated to a level of less than significant.

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

68
69 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of
70 Calistoga that based on the above Findings, approves a Tentative Parcel Map, subject
71 to the following Conditions of Approval:

72
73 **A. General Conditions**

74
75 1. The configuration of the Parcel Map may include minor amendments, provided
76 that all proposed parcels comply with the Subdivision Ordinance, Zoning
77 Ordinance and General Plan, and the modification does not result in any
78 increased environmental impact. Any modification shall be subject to approval
79 by the Planning and Building Department Director and the Department of Public
80 Works Director.

81
82 2. The Property Owner accepts all rights and responsibilities as established by Title
83 16 of the Calistoga Municipal Code, unless otherwise superceded by other
84 applicable local, State or Federal legislative action.

85
86 3. This Parcel Map shall expire on August 4, 2011 unless an extension has been
87 granted consistent with the Subdivision Ordinance and the Subdivision Map Act.

88
89 4. A final map, as defined in the State Subdivision Map Act and prepared by a
90 licensed surveyor or civil engineer, showing all parcels, rights-of-way, and
91 easement(s) shall be filed with the City Engineers Office. Upon recording of the

- 92 map, the subdivision is valid.
93
94 5. Prior to the recordation of the Final Map, all parcel corners and angle points, and
95 all right-of-way curve points shall be monumented, subject to the approval of the
96 City Engineer.
97
98 6. Prior to the recordation of the Final Map, all current and estimated taxes due for
99 this property shall be paid to the County Tax Collector's office.
100
101 7. The final map shall not be approved prior to approval of the improvement plans.
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103 8. Prior to approval of the final map, the Property Owner shall either complete
104 required construction as shown on the signed improvement plans, or enter into
105 an Improvement Agreement in accordance with Calistoga Municipal Code
106 Section 16.18.070. A certificate of occupancy shall not be issued for any
107 structure until required improvements are completed to the satisfaction of the City
108 Engineer.
109
110 9. Property Owner shall design and construct all improvements and facilities shown
111 on any approved parcel map, site plan, or other documents submitted for permit
112 approval, all representations made by Property Owner, and with the plans and
113 specifications submitted to and approved by City, to comply with the General Plan,
114 the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public
115 Works Department. Approval of a parcel map depicting improvements that do not
116 conform to the CMC or City standards does not constitute approval of exception to
117 the CMC or City standards unless explicitly stated herein or in another City
118 resolution.
119
120 10. The Property Owner shall be responsible for all City plan check, map check and
121 inspection costs. The Property Owner shall deposit funds into a City Property
122 Owner Deposit Account upon the initiation of plan check services. The amount
123 of the initial deposit shall be determined by the City Engineer. Additional funds
124 may be required based upon actual plan check costs. Prior to approval of the
125 improvement plans the Property Owner shall pay any outstanding balance for
126 plan checking services and shall deposit an additional amount based upon the
127 City's estimate of inspection costs.
128
129 11. In the event that the City is forced to condemn or acquire off-site property interest
130 in connection with required off-site improvements, the Property Owner shall fund
131 the cost of condemnation or acquisition, including but not limited to the amounts
132 necessary to purchase the easement or fee simple interest, document
133 preparation, and severance or other damages payable to the owners of the land
134 upon which the improvements are to be located, the actual cost and acquisition
135 and all fees, including attorney's fee and/or other expenses necessary to
136 prosecute the condemnation action, including expert witness and appraisal fees.
137
138 In the event that the City elects to proceed with acquisition or condemnation
139 pursuant to Government Code Section 66462.5, the Property Owner shall, within
140 60 days of written notice by the City, deposit with the City, as an advance, the full
141 estimated cost of such acquisition or condemnation. The Property Owner shall
142 prepare any easements or deeds necessary for off-site improvements.

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144 12. The Property Owner shall secure all necessary rights-of-way and easements for
145 both onsite and offsite improvements, including but not limited to, access, storm
146 drainage, sewer, water and public utilities. Rights-of-way and easements shall
147 be dedicated on the map or provided by grant deed. The Property Owner shall
148 prepare all necessary legal descriptions and deeds.
149
150 13. A note shall be added to the final map indicating that the property owners are
151 responsible for the maintenance of all landscaping, infrastructure and
152 roadway/driveway improvements.
153
154 14. All mitigation measures contained in Resolutions 2009-10 are hereby
155 incorporated into this Parcel Map Resolution by reference and shall be
156 considered conditions of approval.
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158 **B. Improvement Plan Conditions**
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160 15. The Property Owner shall prepare and submit improvement plans for the
161 construction of all necessary and required improvements including water lines,
162 storm drain facilities, roadway improvements and pathways. All design and
163 construction shall conform to the City of Santa Rosa Standard Specifications for
164 Public Improvements, or other adopted City of Calistoga standards as applicable.
165
166 16. The Property Owner shall prepare a Soils Investigation/Geotechnical Report
167 specific to the Improvement Plans. The Improvement Plans shall incorporate all
168 design and construction criteria specified in the report.
169
170 17. No grading or other construction shall be performed until the Improvement Plans
171 have been approved and signed by the City Engineer. Encroachment Permits
172 and Building/Grading Permits will not be issued prior to the approval of the
173 Improvement Plans. An Encroachment Permit is required for any work within the
174 City's public rights-of-way or that involves City infrastructure.
175
176 18. Improvements plans shall include an erosion control (winterization) plan.
177
178 19. Tree preservation measures shall be incorporated into the design of the
179 improvements and shown on the Improvement Plans in accordance with the
180 City's Tree Preservation Ordinance (CMC 19.01) and the project arborist's
181 recommendations.
182
183 20. Roadway Improvements:
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185 a. The Property Owner shall submit street improvement plans addressing on
186 site and off site improvements for review and approval by the Public
187 Works Department, as follows.
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189 Grant Street:
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191 The south half of Grant Street shall be designed with a 12-foot wide paved
192 travel way, 5-foot natural parkway, a 5-foot asphaltic pathway and
193 designated as a Class III bike route.

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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.

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.

- 245 b. Any structure in which plumbing is to be installed shall be connected to
246 the City's water system unless an exception has been explicitly granted in
247 accordance with the provisions of the CMC.
- 248
- 249 c. All public water mains must be located in public right-of-way wherever
250 possible. Where public water and sewer mains must be located on
251 private property, all necessary easement dedications must be made prior
252 to final acceptance of the project by the City.
- 253
- 254 d. All private storm drains, water, fire line services, and appurtenances,
255 must be located within the private property and clearly identified as
256 private on the design drawings.
- 257

258 22. Private On-site Septic Systems

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- 260 a. Prior to recordation of the Final Map, a leach field easement on proposed
261 parcel A for benefit of proposed parcels A and B shall be shown or
262 referred to on the Final Map.
- 263
- 264 b. Prior to recordation of the Final Map, a note shall be included on the Final
265 Map that provides reference to the agreement do the management of the
266 shared sewage disposal area, noting that each parcel shall be served by
267 a separate on-site septic tank installed under permit approved by the
268 Napa County Environmental Management Division and connected to an
269 approved sewage disposal area in the shared sewage disposal area.
- 270
- 271 c. An agreement for the management of the shared swage disposal area
272 shall be recorded concurrently with the Final Map upon review and
273 approval of the Public Works Director and the Napa County Department
274 of Environmental Management. The Agreement shall detail the legal
275 responsibility of each individual owning a parcel that is connected to the
276 shared sewage disposal area. The Agreement shall specify: each parcel
277 and the rights to dispose of liquid waste; each parcel owner's obligation to
278 share cost with regard to system maintenance; and that each parcel shall
279 be served by a separate on-site septic tank installed under permit
280 approved by the Napa County Environmental Management Division.

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282 23. Drainage Improvements:

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- 284 a. The Property Owner shall submit improvement plans addressing on site
285 and off site drainage improvements for review and approval by the Public
286 Works Department.
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- 288 b. Drainage improvements shall be designed by a civil engineer in
289 accordance with the Napa County Design Criteria and any applicable
290 adopted City drainage plans. Site grading and drainage improvements
291 shall be shown on the improvement plans.
- 292
- 293 c. The Property Owner's engineer shall include a site-grading plan that
294 conforms to the requirements of CMC 19.08 as part of the required
295 improvement drawings. Lots shall be generally designed to drain to the

296 street, unless otherwise approved in the interest of tree preservation or
297 other unusual circumstances.

298
299 d. All drainage inlets shall be permanently marked "No Dumping-Flows to
300 River".

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302 **C. Subdivision Final and/or Release of Securities Conditions**

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304 24. All improvements shown on the Improvement Plans shall be completed and
305 accepted by the City.

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307 25. A complete set of *As-Built* or Record improvement plans showing all constructive
308 changes from the original plans shall be submitted to the Public Works
309 Department prior to acceptance of the public improvements.

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311 26. Prior to acceptance of the work, the Property Owner shall provide a written
312 statement signed by his or her engineer certifying that they observed the work
313 during construction and that site grading and all private site improvements have
314 been completed in accordance with the improvement plans approved by the City
315 Engineer.

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

323
324 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
325 Calistoga at a regular meeting held this 4th day of August 2009, by the following vote:

326
327 **AYES:**

328 **NOES:**

329 **ABSTAIN/ABSENT:**

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331
332 **JACK GINGLES, Mayor**

333
334 **ATTEST:**

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337 **SUSAN SNEDDON, City Clerk**