

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Erik V. Lundquist, Associate Planner
VIA: Charlene Gallina, Director of Planning and Building
DATE: April 1, 2008
SUBJECT: VINEYARD OAKS SUBDIVISION: 2400 Grant Street and 1881 Mora Avenue (APN 011-010-013 & 014 AND 011-021-002)

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

ISSUE:

Consideration of a Zoning Ordinance Text Amendment (to provide an alternative means for residential projects to satisfy the affordable housing requirements), Development Agreement, Tentative Subdivision Map and Design Review requested by Ed Nagel of BNK Investments, LLC, on behalf of the property owners, Ira and Lois Carter to subdivide approximately 18 acres at 2400 Grant Street into 15 single-family lots.

RECOMMENDATION:

- A. Adopt a Resolution approving a Mitigated Negative Declaration based on an Initial Study.
- B. Introduce Ordinance and waive the first reading approving a Zoning Text Amendment.
- C. Adopt a Resolution approving a Tentative Subdivision Map.
- D. Adopt a Resolution approving Design Review for the project.
- E. Introduce Ordinance waiving the first reading approving a Development Agreement.

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25 **BACKGROUND:**

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27 The applicant originally approached the City Council in December of 2006 to
28 consider a Development Agreement to subdivide the subject properties into 15-
29 lots since they had been unsuccessful with obtaining a Growth Management
30 Allocation. On March 20, 2007, the City Council found that a Development
31 Agreement would provide substantial community benefit and entered into a
32 Memorandum of Understanding (MOU) with BNK, LLC, the applicant. The MOU
33 allows the processing of the necessary development applications for the 15-lot
34 subdivision. A formal application was submitted on August 14, 2007 requesting
35 approval of the project and the various project components.

36
37 **DISCUSSION:**

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39 On March 12, 2008, the Planning Commission reviewed the formal application
40 including the terms of the Development Agreement. More specific project details
41 and the Planning Commission's considerations can be found in the attached
42 Planning Commission Staff Report and minute excerpt.

43
44 During this meeting the Planning Commission heard presentations from staff and
45 the applicant, and heard testimony from the public. Subsequent to discussion,
46 the Planning Commission unanimously recommended to the City Council
47 approval of the project, with amendments and/or modifications to the
48 recommended Subdivision Map and Design Review conditions of approval.
49 These changes include recommendations to alter the geometric configuration of
50 the proposed roadways, including "Valencia Lane" and Grant Street.

51
52 The Planning Commission was of the opinion that Valencia Lane, as proposed,
53 was not designed to the relative scale and rural character desired for this part of
54 Calistoga. As a result, the Planning Commission recommended that curbs and
55 gutters be replaced with alternative methods for controlling drainage and that
56 sidewalks be constructed of alternative material and meander rather than parallel
57 the roadway.

58
59 The Planning Commission further suggested that the applicant investigate the
60 feasibility of constructing a pathway on the south side of Grant Street to
61 implement the Grant Street cross section as developed by the City Council's
62 Grant Street Design Sub-committee in 2006 and subsequently codified in
63 Chapter 12 of the Municipal Code.

64
65 As a result, the Planning Commission modified the recommended condition of
66 approval No. 22(f) of the Tentative Subdivision Map to read as follows:
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68 f. *The developer shall submit street improvement plans addressing on site and off*
69 *site improvements for review and approval by the Public Works Department, as*
70 *follows.*

71
72 *North Half of Grant Street:*

73
74 *The north half of Grant Street shall be designed with a 24-foot half-width roadway*
75 *cross-section, which shall include a 12-foot wide travel way and "natural setting".*

76
77 *South Half of Grant Street*

78
79 *Staff shall investigate the feasibility of constructing a pathway on the south side*
80 *of Grant Street. If the City Engineer finds that the pathway is feasible, the*
81 *applicant shall be required to construct the pathway consistent with Chapter 12 of*
82 *the Calistoga Municipal Code.*

83
84 *Valencia Lane:*

85
86 *Valencia Lane shall be designed with a 22-foot half-width roadway cross-section,*
87 *which shall include a 10-foot wide travel way, an 8-foot wide parkway and a 4-*
88 *foot wide landscape strip containing drainage swales. A minimum 5.5-foot public*
89 *pedestrian easement shall adjoin the Valencia Lane right-of-way and contain a 5-*
90 *foot pathway. The pathway shall meander and be constructed of asphalt.*

91
92 *Hawthorne Place:*

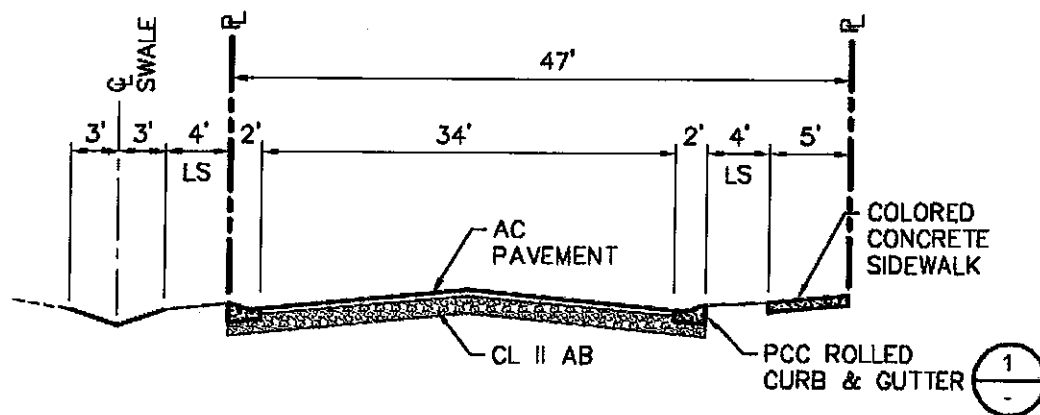
93
94 *Hawthorne Place shall be designed with a 22-foot half-width roadway cross-*
95 *section, which shall include a 12-foot wide travel way, 4.5-foot wide landscape*
96 *strip and a 5-foot wide pathway constructed of asphalt.*

97
98 The Municipal Code establishes street standards for public streets. The purpose
99 of uniform standards is to provide a consistent specification for public facilities
100 and to insure that important public safety concerns regarding pedestrian and
101 vehicle safety, drainage, and long term maintenance are addressed. The
102 Municipal Code allows deviation from the adopted standards upon a favorable
103 recommendation from the Public Works Director. The alternate street design
104 recommended by the Planning Commission is acceptable to the Public Works
105 Director but would require that elements of the improvements be owned and
106 maintained by an entity separate from the City due to their higher maintenance
107 demand and reduced service life expectancy. Additional language has been
108 added by staff to reflect this.

109
110 On March 25, 2008, the applicant submitted a letter responding to the Planning
111 Commission's recommendations. In this letter the applicant expresses an
112 interest in maintaining the rural character through design but notes that public
113 drainage and maintenance constraints hinder full compliance. However, as an
114 alternative, the applicant has presented an alternative design that they feel

115 achieves the desired character while maintaining the integrity of the public storm
116 drainage system while reducing the public's long term maintenance
117 responsibility. The alternative design proposed by the applicant is as follows:
118

119 *Valencia Lane shall be designed with a 47-foot roadway cross-section, which*
120 *shall include two 10-foot wide travel ways, two 7-foot wide parking strips, two 2-*
121 *foot rolled curbs, a 4-foot landscape strip on the eastern side and a 5-foot wide*
122 *colored concrete pathway only on the eastern side. The concrete pathway shall*
123 *not extend beyond Hawthorne Place. A natural drainage ditch or swale shall be*
124 *developed on the western most side.*
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A **VALENCIA LANE - RURAL SECTION**
NTS

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DEVELOPERS ALTERNATE PROPOSAL

As seen above, this alternative design replaces the pathway with a meandering colored concrete pathway (labeled sidewalk in the figure) connecting Grant Street to Mora Avenue, incorporating rolled curbs to control drainage and constructing drainage swales on the western side of Valencia Lane while retaining the planting strips on the eastern side.

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The City's Engineer has reviewed this alternative proposal and finds it is in compliance with general engineering practices and is acceptable as a public roadway as it solves drainage, parking, utilities, asphalt maintenance and pedestrian safety issues. No private ownership or special maintenance mechanisms would be necessary with the developer's alternative. This alternative may not however satisfy the Commission's interest in establishing a more "rural" appearance as the proposal retains a curb (a rolled curb rather than a standard upright curb is proposed) and a meandering colored concrete sidewalk is proposed (the Commission recommended a meandering sidewalk of material other than concrete).

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In addition, the City Engineer has investigated the feasibility of constructing a pathway on the south side of Grant Street and has found that right-of-way issues and environmental factors exist. As a result, staff recommends that the applicant be required to execute a financially secured deferred improvement agreement for the pathway to allow the improvements to be made when these issues are resolved.

Should the City Council find that the applicant's proposal is acceptable and a financially secured deferred improvement agreement is appropriate to insure that the pathway on the south side of Grant Street the following condition could be substituted for recommended condition of approval 22 (f) of the Tentative Subdivision Map (Attachment 3) as follows:

- f. *The developer shall submit street improvement plans addressing on site and off site improvements for review and approval by the Public Works Department, as follows.*

North Half of Grant Street:

The north half of Grant Street shall be designed with a 24-foot half-width roadway cross-section, which shall include a 12-foot wide travel way and "natural setting".

South Half of Grant Street

The Applicant shall execute a financially secured deferred improvement agreement for the design and construction of a pathway on the south side of Grant Street opposite of the project's frontage consistent with 12.04.130 of the Calistoga Municipal Code subject to the review and approval of the City Engineer.

Valencia Lane:

Valencia Lane shall be designed with a 47-foot roadway cross-section, which shall include two 10-foot wide travel ways, two 7-foot wide parking strips, two 2-foot rolled curbs, a 4-foot landscape strip on the eastern side and a 5-foot wide colored concrete pathway only on the eastern side. The concrete pathway shall not extend beyond Hawthorne Place. A natural drainage ditch or swale shall be developed on the western most side.

Raised curbs around tree circles should be designed for heavy moving van truckloads, due to restricted turning radius around these circles.

Hawthorne Place:

Hawthorne Place shall be designed with a 22-foot half-width roadway cross-section, which shall include an 11-foot wide travel way, 2-foot rolled curbs, 4.5-

192 *foot wide landscape strip and a 5-foot wide pathway constructed of colored*
193 *concrete.*

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195 Furthermore, the Planning Commission has recommended that Lot 15 have a
196 side yard setback of 50 feet. Condition No. 9 has been added to the Design
197 Review Resolution to require the 50-foot setback.

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199 **FISCAL IMPACT:**

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201 Staff time, attorney services, preparation of all environmental documentation, and
202 direct expenses associated with the processing of this project have been offset
203 by the applicant through application processing fees. Long-term economic
204 benefits to the City of Calistoga associated with development of the proposed
205 project in terms of increased revenue production (i.e. property tax) are
206 anticipated to exceed \$75,000 annually.

207

208 Attached to this staff report is a brief summary of some of the important
209 provisions of the proposed Development Agreement and development impact
210 fees. Among other promises, the developer agrees to pay all development fees
211 and permit costs in full and provide the following:

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- 213 • Pay all relevant development impact fees (water and sewer connection,
214 public safety, etc.) approximately \$605,000.
- 215 • A \$600,000 in-lieu fee to the City's Affordable Housing Trust Fund.
- 216 • An additional \$800,000 for recreational and cultural facilities, which
217 combined with the required "quality of life" fee, will total \$845,000.
- 218 • Reimbursement of City completed Grant Street improvements from Mora
219 Avenue to Garnett Creek Court estimated at \$200,000

220

221 **ATTACHMENTS:**

222

- 223 1. March 25, 2008 letter from Ed Nagel, Applicant
- 224 2. Draft Resolution approving a Mitigated Negative Declaration
- 225 3. Draft Ordinance Zoning Text Amendment (ZO 2008-01)
- 226 4. Draft Resolution approving a Tentative Subdivision Map (TTM 2007-02)
- 227 5. Draft Resolution approving Design Review (DR 2008-01)
- 228 6. Draft Resolution approving a Development Agreement (DA 2007-02)
- 229 7. Executive Summary and Development Agreement
- 230 8. Abbreviated Planning Commission Staff Report dated March 12th, 2008,
231 including minute excerpt.
- 232 9. Project Plans

233

234 (Initial Study and Draft Mitigated Negative Declaration available upon request)

PO Box 190
Kenwood, CA 95452

Tuesday, March 25, 2008

Charlene Gallina
Calistoga Planning and Building Director
1232 Washington St.
Calistoga, CA 94515

Ms. Gallina,

Based on direction received from the Calistoga planning commission at the public hearing dated March 12th, we have done further analysis and data gathering with the goal of achieving a more rural street section design for the Vineyard Oaks project. This research has considered planning commission direction, meetings with staff and public works, guidance from project civil design professionals, Grant St. Design Standards, and comments brought forth by the public as part of the March 12th public hearing.

The alternative improvement design proposal includes the following:

- 1) On the North(West) border of Valencia Lane, all sidewalks have been eliminated on this street section. This design includes a v-ditch, drainage swale design to capture storm water and allow natural filtration that is consistent with the features on Mora Ave. A concrete rolled curb will re-direct storm water sheet flow off of the street to Garnett Creek. Valencia lane width is to be reduced to 34' from 36'.
- 2) To the South(East), the street section includes a rolled curb to re-direct storm water sheet flow off of the street to Garnett Creek, reducing further storm water flows toward Mora Ave. The lots fronting this section of Valencia Ln. will have on-site systems also re-directing storm water to Garnett Creek.
- 3) As an additional option, concrete rolled curbs could be darkened with color to enhance the rural design goal, and blend the rolled curb feature into the asphalt street.
- 4) This South(East) street section also includes a pedestrian path encouraging safe pedestrian circulation through the neighborhood connecting the proposed walking path to Mora. The proposal is for this walkway to be constructed with colored concrete. Concrete is proposed, as opposed to asphalt, based on its long term maintenance advantages for future residents and public works. Color is proposed to be added to the concrete to enhance the rural character of the site.

The project team feels that this proposal is the best compromise for enhancing the rural character of the area, maintaining the integrity of the storm water system, and accomplishing the many composite goals in designing this street section. However, we are open to further direction from the City of Calistoga on this item.

Sincerely,

BNK Investments, LLC

RESOLUTION NO. 2007-XX

A RESOLUTION OF THE CITY COUNCIL, COUNTY OF NAPA, STATE OF CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION BASED ON AN INITIAL STUDY PREPARED FOR THE VINEYARD OAKS SUBDIVISION PROJECT [ZONING ORDINANCE TEXT AMENDMENT (ZO 2008-01), DEVELOPMENT AGREEMENT (DA 2007-02), TENTATIVE SUBDIVISION MAP (TTM 2007-02) AND DESIGN REVIEW (DR 2008-01)] LOCATED AT 2400 GRANT STREET AND 1881 MORA AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013, -014 & 011-021-002)

1 **WHEREAS**, BNK Investments, LLC, requests an amendment to the Zoning
2 Ordinance to provide an alternative means for residential projects to satisfy the
3 affordable housing requirements and to subdivide approximately 18 acres of land into 15
4 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a
5 lot line adjustment with the property to the east along Mora Avenue strictly for utility and
6 emergency vehicle access;

7
8 **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),
9 the City of Calistoga, Planning and Building Department prepared an Initial Study/CEQA
10 Checklist, which identified potentially significant impacts to aesthetics, air quality,
11 biological resources, cultural resources, geology/soils, hydrology/water quality, and
12 noise;

13
14 **WHEREAS**, the Planning Commission has reviewed and considered the Initial
15 Study prepared for the project at its regular meeting on March 12, 2008 and prior to
16 taking action on the application, the Commission received written and oral reports by the
17 Staff, and received public testimony;

18
19 **WHEREAS**, the City Council has reviewed and considered the Draft Initial
20 Study/Mitigated Negative Declaration prepared for the Project at its regular meeting on
21 April 1, 2008, and prior to taking action on the application, the Council received written
22 and oral reports by the Staff, and received public testimony; and

23
24 **WHEREAS**, that on the basis of the Initial Study prepared for the Vineyard Oaks
25 Subdivision project as requested by BNK, LLC, on behalf of property owners, will not
26 have a significant effect on the environment and, therefore, a mitigated negative
27 declaration is adopted based on the following findings.

- 28
29 1. An Initial Study was prepared pursuant to the California Environmental Quality
30 Act and has been considered as a result of this project and although the project
31 could have a significant effect on the environment, there will not be a significant
32 effect in this case because mitigation measures to reduce all impacts to a level of
33 insignificance or to avoid such impacts have been identified and agreed to by the
34 applicant. A Mitigated Negative Declaration should therefore be prepared with
35 the mitigation measures as adopted as Conditions of Approval.
36
37 2. As mitigated this project will not result in any significant adverse environmental
38 impacts. There is no evidence that this project will result in any adverse impacts to
39 fish and wildlife habitat.
40

41 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga that the City
42 Council adopts a Mitigated Negative Declaration, subject to the following Mitigation
43 Measures.

44
45 Aesthetics:

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47 Mitigation Aesthetics-1: Prior to building permit issuance or Improvement Plans, all
48 lighting shall be hooded, shielded and directed downward and shall be designed and
49 equipped with motion detector switching and/or timers upon review and approval of the
50 Planning and Building Department.

51
52 Air Quality:

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54 Mitigation AQ-1: Prior to building permit or grading permit issuance, the applicant shall
55 incorporate the following Best Management Practices into the construction and
56 improvement plans and clearly indicate these provisions in the specifications upon
57 review and approval of the Public Works and Planning and Building Departments. The
58 construction contractor shall incorporate these measures into an Erosion and Sediment
59 Control Plan to limit fugitive dust and exhaust emissions during construction.

- 60
- 61 a) Exposed soils shall be watered periodically during construction, a minimum of
62 twice daily. The frequency of watering shall be increased if wind speeds exceed
63 15 mph. Only on-site well water, purchased city water or reclaimed water shall be
64 used for this purpose. Responsibility for watering shall include weekends and
65 holidays when work is not in progress.
 - 66
 - 67 b) During excavation activities, haul trucks used to transport soil shall utilize tarps or
68 other similar covering devices to reduce dust emissions.
 - 69
 - 70 c) Grading and construction equipment operated during construction activities shall
71 be properly muffled and maintained to minimize emissions. Equipment shall be
72 turned off when not in use.
 - 73
 - 74 d) Construction sites involving earthwork shall provide for a gravel pad area
75 consisting of an impermeable liner and drain rock at the construction entrance to
76 clean mud and debris from construction vehicles prior to entering the public
77 roadways. Street surfaces in the vicinity of the project shall be routinely swept
78 and cleaned of mud and dust carried onto the street by construction vehicles.
 - 79
 - 80 e) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed
81 stockpiles (dirt, sand, etc.).
 - 82
 - 83 f) Post-construction revegetation, repaving or soil stabilization of exposed soils shall
84 be completed in a timely manner according to the approved Erosion and
85 Sediment Control Plan and verified by City inspectors prior to acceptance of
86 improvements or issuance of certificates of occupancy.
 - 87
 - 88 g) The Developer shall designate a person with authority to require increased
89 watering to monitor the dust and erosion control program and provide name and
90 phone number to the City of Calistoga prior to issuance of grading permits.

91

92 Mitigation AQ-2: Prior to occupancy, wood burning fireplaces, wood stoves and outdoor
93 stoves/cooking centers shall require the use of natural gas or Environmental Protection
94 Agency certified fireplaces in order to reduce any potential emissions.

95

96 Biological Resources:

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98 Mitigation Bio-1: Prior to grading and/or building permit issuance, a Tree Removal and
99 Replacement Plan consistent with the approved Tree Mitigation Plan dated December
100 16, 2007 shall be reviewed and approved by the Public Works Department in
101 conjunction with the Planning and Building Department. All requirements and restrictions
102 contained in Chapter 19.01 of the Calistoga Municipal Code (CMC) shall be complied
103 with, which shall incorporate replacement trees for those trees slated for removal and
104 shall include any recommendations of the Project Arborist into the project.

105

106 Mitigation Bio-2: Before any site work is commenced, including grading and/or
107 trenching), a six-foot chain link fence shall be installed at the drip line (but no closer than
108 6 feet to any trunk) of the oak trees to be preserved. Drip line is defined as the point
109 where the distance from the edge of the tree canopy to the trunk is the greatest. This
110 radius shall be used in establishing the perimeter of the exclusion fencing. Fencing
111 materials shall be highly visible and sturdy such as a portable cyclone fence or
112 comparable fencing material. Signs shall be posted on fencing prohibiting parking of
113 vehicles or storage of materials within the trees' drip line. Fencing shall remain in place
114 until all construction work is complete. Four to six inches of mulch shall be placed
115 around the perimeter of the trees when the project landscape is installed. If any ground
116 disturbing activities are required within the dripline of the trees, an on-site qualified
117 arborist shall monitor the work.

118

119 Mitigation Bio-3: Prior to the issuance of building permits, the project applicant shall
120 apply to the U. S. Army Corps of Engineers, California Department of Fish and Game
121 and the San Francisco Bay Regional Water Quality Control Board for permits under the
122 Clean Water Act. For unavoidable impacts to existing resources, the applicant shall
123 implement on-site mitigation and on-going monitoring. Mitigation shall include
124 enhancement and creation of on-site wetland habitat at a ratio of 2:1 for impacts to
125 wetlands. Impacts to "other waters of the U.S." shall be mitigated at a ratio of 1:1 for in-
126 kind enhancement of waters and 2:1 for out-of-kind creation of wetlands.

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128 Mitigation Bio-4: Non-native invasive plant species shall be removed from the
129 project site and revegetated with native trees, shrubs, and herbs to improve plant
130 diversity and wildlife cover and foraging habitat. The applicant shall be responsible for
131 the maintenance, monitoring and funding of a three-year establishment period. Photo
132 monitoring and survival counts shall be conducted yearly and submitted to the City's
133 Planning Department for the first three years.

134

135 Mitigation Bio-5: If project construction is to occur from February 1 through August 31 a
136 qualified biologist shall conduct pre-construction surveys of all potential nesting habitats
137 within 500 feet of project activities. If nesting birds are identified on the project site or
138 within the surveyed area, a non-disturbance buffer (determined in coordination with the
139 California Department of Fish and Game) shall be established around the nest tree
140 during the breeding season or until the young have fledged. If preconstruction surveys

141 indicate that nests are inactive or potential habitat is unoccupied, no further mitigation
142 measures are required. Raptor or other bird nests initiated during construction are
143 presumed to be unaffected and no buffer is necessary. However, the "take" of any
144 individuals is prohibited.

145
146 Mitigation Bio-6: Prior to construction activities within 500 feet of trees potentially
147 supporting special-status bats, a qualified bat biologist will survey for special-status bats.
148 If no evidence of bats is present, no further mitigation is required. If evidence of bats is
149 observed a no-disturbance buffer acceptable in size to the CDFG will be created around
150 active bat roosts during the breeding season (March 15-August 15). Bat roosts initiated
151 during construction are presumed to be unaffected, and no buffer is necessary.
152 However, "take" of individuals is prohibited. In addition, removal of trees showing
153 evidence of bat activity will occur during the period least likely to impact bats, as
154 determined by a qualified bat biologist, generally between February 15 and October 15
155 for winter hibernacula and between August 15 and March 1 for maternity roosts. If
156 exclusion is necessary to prevent indirect impacts to bats from construction noise and
157 human activity adjacent to trees showing evidence of bat activity, these activities shall be
158 conducted during these periods as well.

159

160 Cultural Resources:

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162 Mitigation CR-1: Prior to the initiation of construction or ground-disturbing activities, all
163 construction personnel should be alerted to the possibility of buried cultural remains (i.e.,
164 prehistoric and/or historic resources). Personnel should be instructed that upon
165 discovery of buried cultural materials, work in the immediate vicinity of the find should
166 cease and a qualified archaeologist should be contacted immediately.

167

168 Mitigation CR-2: If archaeological, historical, paleontological resources or other human
169 remains are encountered, all construction activity in the affected area shall cease and no
170 materials shall be removed until a qualified professional surveys the site and mitigation
171 measures can be proposed by the qualified professional to the satisfaction of the
172 Planning Division for approval and subsequent implementation by the permit holder.

173

174 Geology and Soils:

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176 Mitigation Geo-1: Prior to the issuance of grading permits, the developer shall prepare a
177 storm water pollution prevention plan (SWPPP), consistent with the State Water
178 Resources Control Board NPDES requirements. The SWPPP shall be submitted to the
179 City Engineer for review and approval.

180

181 Mitigation Geo-2: Prior to the approval of the improvement plans and/or final map, a final
182 design-level geotechnical report, with consideration of recommendations from the
183 Geoservices Group, shall be prepared and submitted to the City for review and approval.
184 The recommendations of the final geotechnical report shall be incorporated into the
185 project design prior to issuance of grading or building permits for review and approval of
186 the Public Works and Planning and Building Departments.

187

188 Hydrology & Water Quality:

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190 Mitigation WQ-1: Prior to Final Map approval or grading permit issuance, the Public

191 Works, Planning and Building Departments shall have reviewed and approved all
192 drainage improvements. Said improvement plans shall be designed by a civil engineer
193 and in accordance with the Napa County Design Criteria and any applicable adopted
194 City standards. The capacity and condition of existing drainage facilities downstream of
195 the development shall be analyzed and off-site drainage improvements shall be
196 constructed as necessary. Site grading and drainage improvements shall be shown on
197 the improvement plans.

198
199 Mitigation WQ-2: Prior to grading and/or building permit issuance, the applicant shall
200 submit finalized engineered drainage plans and design calculations for the City
201 Engineer's review and approval.

202
203 Mitigation WQ-3: All drainage inlets shall be permanently marked "No Dumping-Flows to
204 River".

205
206 Mitigation WQ-4: Prior to building or grading permit issuance, verification shall be
207 provided indicating that a permit has been obtained or a Notice of Intent (NOI) has been
208 filed with the California Regional Water Quality Control Board for a General Permit to
209 Discharge Storm Water Associated with Construction Activity subject to the review and
210 approval of the Planning and Building Department.

211
212 Mitigation WQ-5: No discharge of hazardous materials shall be allowed in ground or
213 surface waters or on the land. All hazardous materials shall be stored and managed.

214
215 Mitigation WQ-6: Prior to issuance of a grading or building permit, the permit holder shall
216 submit a stormwater drainage plan for approval by the Department of Public Works in
217 conformity with the National Pollution Discharge Elimination System and including Best
218 Management Practices (BMP) as described in the California Stormwater BMP Handbook or
219 equivalent, such as sheet flow from pavement into vegetated drainage swales.

220
221 Noise:

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223 Mitigation N-1: The applicant shall develop a construction management plan to reduce
224 traffic congestion during project construction, including staging areas on the project site
225 and truck movements delivering and/or exporting fill material. Approval of the plan shall
226 be required from the City prior to issuance of any grading permit.

227
228 Mitigation N-2: Construction travel shall be managed to minimize noise levels consistent
229 with the City's Construction Ordinance.

230
231 Mitigation N-3: Construction activities shall be limited to the hours of 7 AM and 7 PM
232 Monday through Saturday consistent with the City's construction ordinance.

233
234 Mitigation N-4: Construction restriction shall be posted on-site for the duration of
235 construction.

236
237 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
238 Calistoga at a regular meeting held this **1st day of April, 2008**, by the following
239 vote:

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AYES:
NOES:
ABSENT/ABSTAIN:

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk

ORDINANCE NO. XXX

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3 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY**
4 **OF NAPA, STATE OF CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING**
5 **ORDINANCE (ZO 2008-01), SPECIFICALLY SECTION 17.08.02(A) APPLICABLE**
6 **PROJECTS OF THE AFFORDABLE HOUSING REGULATIONS**
7

8 The City Council of the City of Calistoga does hereby ordain as follows:
9

10 **SECTION ONE:**
11

12 **WHEREAS**, BNK Investments, LLC, requests an amendment to the Zoning Ordinance to
13 provide an alternative means for residential projects to satisfy the affordable housing
14 requirements and to subdivide approximately 18 acres of land into 15 single-family lots. The
15 lots are approximately 1 acre in size. The subdivision includes a lot line adjustment with the
16 property to the east along Mora Avenue strictly for utility and emergency vehicle access;
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19 **WHEREAS**, an Initial Study/Mitigation Negative Declaration (IS/MND) was completed in
20 accordance with applicable CEQA Guidelines, and on February 1, 2008 the IS/MND was
21 circulated for public and agency review and comment. Copies of the IS/MND were made
22 available to the public at the Department of Planning and Building on February 1, 2008, and the
23 IS/MND was distributed to interested parties and agencies. On February 1, 2008, a notice of
24 the Planning Commission public hearing of March 12, 2008 to review the IS/MND was published
25 in the local newspaper;
26

27 **WHEREAS**, the Planning Commission has reviewed and considered this application at
28 its regular meeting on March 12, 2008, and prior to taking action on the application, the
29 Commission received written and oral reports by the Staff, and received public testimony. After
30 considering the project, the Commission adopted Resolution 2008-06 recommending approval
31 of a Text Amendment to the Zoning Ordinance based upon findings presented in the Staff
32 Report;
33

34 **WHEREAS**, a public notice of the City Council public hearing of April 1, 2008 for the
35 Draft Initial Study/Mitigated Negative Declaration, Development Agreement, Zoning Ordinance
36 Text Amendment and the proposed project planning actions was published in the local
37 newspaper and made available on the City's website;
38

39 **WHEREAS**, the City Council has reviewed and considered the application for the Project
40 at its regular meetings of April 1, 2008 and April 15, 2008, considered as one of its items of
41 business, this Ordinance to be adopted in accordance with Government Code Section 65090,
42 this Ordinance to be adopted in accordance with Government Code Section 65850, to include
43 the written and oral staff report, proposed findings and comments received from the general
44 public and interested agencies and parties;
45

46 **WHEREAS**, the City Council finds that amending Chapter 17.08 of the Zoning
47 Ordinance to provide an alternative means for residential projects to satisfy the affordable
48 housing requirements is, in part, implementation of General Plan Objective H-3.1, Policy P-3;
49 and
50

RESOLUTION NO 2007-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA APPROVING A 15-UNIT TENTATIVE SUBDIVISION MAP (TTM 2007-02) ON 18 ACRES OF LAND LOCATED AT 2400 GRANT STREET AND 1881 MORA AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013 & 014 AND 011-021-002)

1 **WHEREAS**, BNK Investments, LLC, requests an amendment to the Zoning
2 Ordinance to provide an alternative means for residential projects to satisfy the
3 affordable housing requirements and to subdivide approximately 18 acres of land into 15
4 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a
5 lot line adjustment with the property to the east along Mora Avenue strictly for utility and
6 emergency vehicle access;
7

8 **WHEREAS**, the Planning Commission has reviewed and considered this
9 application at its regular meeting on March 12, 2008, 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 2008-09 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 April 1, 2008 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) was
21 completed in accordance with applicable CEQA Guidelines, and on February 1, 2008 the
22 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 February 1, 2008, and the IS/MND was distributed to interested parties and agencies.
25 On February 1, 2008, a notice of the Planning Commission public hearing of March 12,
26 2008 to review the IS/MND was published in the local newspaper;
27

28 **WHEREAS**, the City Council pursuant to Calistoga Municipal Code Title
29 16 Subdivisions has made the following findings for the project:
30

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

36 That the project, together with and any provision for its design and improvement,
37 is consistent with the General Plan, the provisions of the Calistoga Municipal
38 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**
43 **the subdivision, as described in the State Subdivision Map Act and any**
44 **guidelines promulgated by the Council.**
45

46 The design of the proposed subdivision provides, to the extent feasible, for future
47 passive or natural heating or cooling opportunities. The lots are configured in a
48 manner that will allow structures the ability to take advantage of southern
49 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 The property is relatively flat planted with vineyard and scattered trees
54 throughout the property. The site has been determined to be physically suitable
55 for the development of fifteen (15) residential units and will have little or no
56 impact on the trees upon the implementation of the mitigation measures
57 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**
61 **upon the public resources, wildlife or public health, safety and welfare.**
62

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

65 The impact fees and exactions paid pursuant to the Development Agreement,
66 and the conditions imposed under the Tentative Subdivision Map and Design
67 ensure that the Project has no adverse impacts on public health, safety and
68 welfare.
69

70 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of
71 Calistoga that based on the above Findings, approves a Tentative Subdivision Map,
72 subject to the following Conditions of Approval:
73

74 **A. General Conditions**
75

- 76 1. The configuration of the Final Subdivision Map may include minor amendments,
77 provided that all proposed parcels comply with the Subdivision Ordinance,
78 Zoning Ordinance and General Plan, and the modification does not result in any
79 increased environmental impact. Any modification shall be subject to approval
80 by the Planning and Building Department Director and the Department of Public
81 Works Director.
82
- 83 2. The Developer accepts all rights and responsibilities as established by Title 16 of
84 the Calistoga Municipal Code, unless otherwise superceded by other applicable
85 local, State or Federal legislative action.
86

Resolution No. 2008-____
Vineyard Oaks Subdivision
Tentative Subdivision Map (TTM 2007-02)
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- 87 3. This Tentative Subdivision Map shall expire on April 1, 2010, unless an extended
88 by the terms of the Development Agreement or an extension has been granted
89 consistent with the subdivision ordinance and the Subdivision Map Act.
90
- 91 4. Prior to the recordation of the Final Subdivision Map, all parcel corners and angle
92 points, and all right-of-way curve points shall be monumented, subject to the
93 approval of the City Engineer.
94
- 95 5. Prior to the recordation of the Final Subdivision Map, all current and estimated
96 taxes due for this property shall be paid to the County Tax Collector's office.
97
- 98 6. Developer shall design and construct all improvements and facilities shown on any
99 approved tentative map, site plan, or other documents submitted for permit
100 approval, all representations made by Developer, and with the plans and
101 specifications submitted to and approved by City, to comply with the General Plan,
102 the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public
103 Works Department. Approval of a tentative map depicting improvements that do
104 not conform to the CMC or City standards does not constitute approval of
105 exception to the CMC or City standards unless explicitly stated herein or in another
106 City resolution.
107
- 108 7. The developer shall be responsible for all City plan check, map check and
109 inspection costs. The developer shall deposit funds into a City Developer
110 Deposit Account upon the initiation of plan check services. The amount of the
111 initial deposit shall be determined by the City Engineer. Additional funds may be
112 required based upon actual plan check costs. Prior to approval of the
113 improvement plans the developer shall pay any outstanding balance for plan
114 checking services and shall deposit an additional amount based upon the City's
115 estimate of inspection costs.
116
- 117 8. In the event that the City is forced to condemn or acquire off-site property interest
118 in connection with required off-site improvements, the developer shall fund the
119 cost of condemnation or acquisition, including but not limited to the amounts
120 necessary to purchase the easement or fee simple interest, document
121 preparation, and severance or other damages payable to the owners of the land
122 upon which the improvements are to be located, the actual cost and acquisition
123 and all fees, including attorney's fee and/or other expenses necessary to
124 prosecute the condemnation action, including expert witness and appraisal fees.
125
- 126 In the event that the City elects to proceed with acquisition or condemnation
127 pursuant to Government Code Section 66462.5, the developer shall, within 60
128 days of written notice by the City, deposit with the City, as an advance, the full
129 estimated cost of such acquisition or condemnation. The developer shall prepare
130 any easements or deeds necessary for off-site improvements.
131
- 132 9. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or
133 underground fuel storage tanks shall be abandoned under permit and inspection
134 of Napa County Environmental Management or other designated agency. If

- 135 there are none, the project engineer shall provide a letter describing the scope of
136 the search done to make this determination.
137
- 138 10. Prior to recordation of the Final Map or in conjunction with the recordation of the
139 Final Map, a "*Private Roadway Easement, Maintenance Agreement and Design*
140 *Review Committee*" shall be recorded ensuring and providing for maintenance
141 responsibility and parking enforcement for those portions of the roadway that are
142 to remain private.
143
- 144 11. Maintenance of tree circle landscaping shall be clearly specified in the
145 Maintenance Agreement. City expects that the homeowners will remove leaves,
146 remove undesired vegetation, mow grass if necessary, maintain other plantings,
147 provide all necessary irrigation, and perform all landscaping services within the
148 curblines of the tree circles.
149
- 150 12. All conditions of approval contained in DA 2007-02 and DR 2008-01 Resolutions
151 2008-____ and 2008-____ are hereby incorporated into this Tentative Map
152 Resolution by reference, which shall include the payment of \$600,000 into the
153 Calistoga Affordable Housing Trust Fund, \$845,000 toward the Quality of Life
154 and \$200,000 for Grant Street improvements.
155
- 156 13. Prior to recordation of the Final Map, all references to providing inclusionary
157 housing on the "Helmer Property (2008 Grant Street) shall be removed from the
158 Map.
159
- 160 14. Prior to recordation of the Final Map or in conjunction with the recordation of the
161 Final Map, a Lot Line Adjustment with 1881 Mora Avenue shall be recorded,
162 adjusting approximately 13,507 square feet of land for the purposes of installing
163 public utilities and to provide for emergency vehicle access (EVA) to Mora
164 Avenue.
165
- 166 15. The streets shall be named "Valencia Lane" and "Hawthorne Place", unless
167 otherwise modified by the City Council.
168
- 169 **B. Improvement Plan Conditions**
170
- 171 16. The developer shall prepare and submit improvement plans for the construction
172 of all necessary and required improvements including water, sanitary sewer,
173 storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and
174 streetlights. All design and construction shall conform to the City of Santa Rosa
175 Standard Specifications for Public Improvements, or other adopted City of
176 Calistoga standards as applicable.
177
- 178 17. The Developer shall prepare a Soils Investigation/Geotechnical Report specific to
179 the Improvement Plans. The Improvement Plans shall incorporate all design and
180 construction criteria specified in the report.
181

- 182 18. The Developer shall submit a "Phase II" assessment, along with the improvement
183 plans, indicating that a property evaluation of the site has been completed to
184 show the absence or presence of hazardous materials. Should it be found that
185 hazardous materials are present, the study will recommend proper procedures
186 for removal and disposal.
187
- 188 19. No grading or other construction shall be performed until the Improvement Plans
189 have been approved and signed by the City Engineer. Encroachment Permits
190 and Building Permits will not be issued prior to the approval of the Improvement
191 Plans. An Encroachment Permit is required for any work within the City's public
192 rights-of-way.
193
- 194 20. Improvements plans shall include an erosion control (winterization) plan.
195
- 196 21. Tree preservation measures shall be incorporated into the design of the
197 improvements and shown on the Improvement Plans in accordance with the
198 City's Tree Preservation Ordinance (CMC 19.01) and the project arborist's
199 recommendations.
200
- 201 22. Roadway Improvements:
202
- 203 a. The structural section of all road improvements shall be designed based
204 upon a geotechnical investigation that provides the basement soils R-
205 value and expansion pressure test results. A copy of the geotechnical
206 report shall also be submitted with the first set of Improvement Plan
207 check-prints.
208
- 209 b. Where new roadway improvements abut existing paving, the existing
210 pavement section shall be reconstructed to provide adequate conforms.
211 The limits of such reconstruction shall be as determined by the Public
212 Works Director.
213
- 214 c. Pavement markings and signage shall be provided on all streets as
215 necessary and as required by the City Engineer. Signage restricting
216 parking and red painted curbing shall be installed where appropriate.
217 Speed limit signs shall be installed at locations determined by the City
218 Engineer.
219
- 220 d. Street lighting shall be designed to meet safety requirements and
221 minimize glare.
222
- 223 e. Ramps for disable persons shall be provided at all intersections and at
224 the limits of the improvements where they do not adjoin existing sidewalk
225 improvements. Sidewalk warps shall be provided as necessary to allow a
226 clear four-foot wide walkway at all locations, including areas where
227 mailboxes, streetlights, and fire hydrants obstruct sidewalks.
228