## CITY OF CALISTOGA

# STAFF REPORT

TO:

CHAIRMAN MANFREDI AND MEMBERS OF THE

**PLANNING COMMISSION** 

FROM:

**ERIK V. LUNDQUIST, ASSOCIATE PLANNER** 

**MEETING DATE:** 

MARCH 12, 2008

SUBJECT:

**VINEYARD OAKS SUBDIVISION** 

### **REQUEST:**

Consideration of a Zoning Ordinance Text Amendment (ZO 2008-01), Development Agreement (DA 2007-02), Tentative Tract Map (TTM 2007-02) and Design Review (DR 2008-01) requested by Ed Nagel of BNK Investments, LLC, on behalf of the property owners, Ira and Lois Carter and 1881 Mora Avenue, to amend Chapter 17.08 of the Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable housing requirements and to subdivide approximately 18 acres of land into 15 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a lot line adjustment with the property to the east along Mora Avenue strictly for utility and emergency vehicle access. The subject properties are addressed as 2400 Grant Street & 1881 Mora Avenue and located within the RR - Rural Residential Zoning District. (APN 011-010-013 & 011-010-014 and 011-021-002)

## **BACKGROUND**

The Planning Commission previously reviewed this project in concept during their regularly scheduled meetings of July 12, 2006 and August 23, 2006. Generally, the Planning Commission felt that the project had considered the local environment and felt that the project in it's final design would further the General Plan policies. Subsequent to these Planning Commission meetings, the Applicant approached the City Council in December of 2006 to consider a Development Agreement to subdivide the properties into 15-lots since they had been unsuccessful with obtaining a Growth Management Allocation. On March 20, 2007, the City Council found that a Development Agreement would provide substantial community benefit and entered into a Memorandum of Understanding (MOU) with BNK, LLC. The MOU allows the processing of the necessary development applications for the 15-lot subdivision. A formal application was submitted on August 14, 2007 requesting approval of a 15-lot subdivision and the various project components as described herein.

# **PROJECT DESCRIPTION:**

# A. Existing Site and Vicinity

 The project site consists of two parcels (APN 011-010-013 & 014), which together total approximately 17.96 acres in size. The property located at 2400 Grant Street (APN 011-010-013) contains one single-family residence and several outbuildings (all of which are proposed for removal as part of the development proposal).

The properties are surrounded to the north, east, and west by low density residential uses also located within the "RR" Rural Residential General Plan Land Use Designation and Zoning District Designation. Directly across Grant Street is the Centennial Street Circle entrance to the recently approved 3-lot subdivision for Frank and Shannon Connelly and the Fairway Vista Subdivision, which all properties are located within the Medium Density General Plan Designation (4-10 du/acre) and the "R1" Single Family Residential Zoning District.

# B. Proposed Project (Zoning Ordinance Text Amendment, Development Agreement, Subdivision and Design Review)

Zoning Ordinance Amendment: The City's Inclusionary Housing Program (Chapter 17.08 of the Calistoga Municipal Code) requires a project of 5 or more residential dwelling units to provide 20 percent of the units within the project to households of low and/or moderate income. The Developer is requesting to amend Chapter 17.08.020(A) of the Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable housing requirements, as follows.

A. Residential Projects. All projects consisting of five or more residential units shall set aside and make available a minimum of 20 percent of the units within the project to households or low or moderate income. Provided, as part of a development agreement approved under the provisions of Chapter 17.39 of this code or any other circumstances deemed appropriate by the City Council, the City may accept land, the payment of money into the Calistoga Affordable Housing Trust Fund or other appropriate solutions which are found to adequately address the project's obligation upon a finding, by the City Council that (a) the alternative provides a comparable or superior benefit to the City's affordable housing supply, and (b) the alternative is consistent with the City's Housing Element.

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This amendment is, in part, implementation of General Plan Objective H-3.1, Policy P-3, which states:

"All new residential developments of five or more units shall make 20 percent of the units affordable to very low-, low- and moderate-income households, shall dedicate land suitable for the construction of such housing, or shall pay in-lieu fees in an amount equal to the value of this housing."

Should the Planning Commission and City Council approve of the Zoning Ordinance Amendment, the applicant has also requested that their affordable housing requirements be satisfied through the payment of \$600,000 into the Calistoga Affordable Housing Trust Fund.

Development Agreement: Chapter 17.39 of the Municipal Code allows the City to enter into a development agreement with any person having a legal or equitable interest in real property for the development of such property. The Development Agreement is a contract between the City and the developer through which mutual benefits are provided. The principal consideration for the developer is the right to "freeze" land use entitlements and other related regulations as they apply to its property for a period of time; the proposed term of this Development Agreement is five years. The City can benefit from increased private investment because of the certainty that a Development Agreement, and it also receives certain "special benefits" it would not otherwise be entitled to from the new development.

Attached to this staff report is a brief summary of some of the important provisions of the Development Agreement, and the draft Development Agreement. Among other promises, the developer agrees to pay all development fees and permit costs in full and provide the following special benefits:

- An additional \$800,000 for recreational and cultural facilities, which combined with the required "quality of life" fee, will total \$845,000.
- Grant Street Improvements from Mora Avenue to Garnett Creek Court estimated to be \$200,000.

The Development Agreement also stipulates that the project will not provide three affordable for-sale units on site, which is the standard zoning requirement. Instead, there will be a \$600,000 payment to the City's Affordable Housing Fund.

In addition, the City through this Development Agreement commits to providing the necessary water and wastewater resources to serve the development (not more than 9.75 acre-feet and 6.21 acre-feet respectively); diligently reviewing and processing development application (Design Review, infrastructure, grading

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122 and building permit, etc.) and providing certainty regarding development regulations, fees and exactions.

Subdivision and Design Review: The Developer proposes to subdivide the properties into 15 lots for single-family residential uses and associated ancillary residential uses, which may include light agricultural uses such as cultivation of The Applicant seeks to be able to build the infrastructure (i.e. roadways and utilities) in a single phase. Upon recordation of the Final Map, the residential units will be developed as market conditions allow. Ultimately, each home site will be placed within an established building envelope that has been purposefully designed by Howard Backen of Backen & Gillam Architecture. The proposed sizes of the homes will likely range between four- to five-bedrooms and up to and over 4,000 square feet, including all outbuildings. In the event that the proposed residential developments exceed 4,000 square feet, Design Review will be required subject to the Planning Commission's review and approval in addition to that of the project Architect, which is required for any sized development. The Project Architect has prepared draft Design Guidelines and all future projects in this subdivision must be consistent with these Design Guidelines.

Vehicular circulation will be provided via tree lined public roadways (Valencia Lane and Hawthorne Place). Pedestrian circulation will be provided via a 5-foot sidewalk contain within a public pedestrian easement along Valencia Place, offset approximately 4 feet of the right-of-way and via a 5-foot sidewalk contained in the Hawthorne right-of-way.

The slope of the existing property is approximately 0.5-percent from the back of the properties to Grant Street. The project site is 400-feet east of Garnett Creek, which is where the storm runoff will be released.

The project also includes a request for a lot line adjustment with lands to the east located at 1881 Mora Avenue (APN 001-021-002). This lot line adjustment is being requested in order to adjust approximately 13,507 square feet of land for the purposes of installing public utilities and to provide for emergency vehicle access (EVA) to Mora Avenue.

The overall proposed subdivision design integrates open space areas upon entering the project along Grant Street to provide significant setbacks from the street. As designed, the Applicant proposes to preserve existing non-irrigated deep-rooted vines on several of the lots and relocate the vines where warranted. To preserve significant trees on the property and to provide aesthetic interest, a slightly curved public roadway with two roundabouts in the center of the roadway will be development.

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Water and wastewater service will be provided by the City's water and wastewater systems. To assist the City in resolving an on-going drainage problem in the project area, the Applicant is proposing to take drainage west to Garnett Creek instead of directing the runoff south through the Napa County Fairgrounds.

Low-level street lighting will be provided on Valencia Lane. Limited bollard lighting will be provided along the private driveway off Hawthorne Place near individual lot entrances.

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

General Plan Consistency: The project site is surrounded to the north, east, and west by low intensity existing residential uses also located within the "RR" Rural Residential General Plan Land Use Designation and Zoning District Designation. As identified in the Land Use Element of the General Plan, uses allowed under the Rural Residential Designation generally include crop production, vineyards, light agricultural structures, and single-family residences up to one unit per acre.

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

- Cluster development consistent to minimize the deleterious effects of monotonous development that contradicts the residential character of the community.
- 193 Preserve and enhance open space and agricultural lands.
- Target higher densities, within range, adjacent to the more densely developed areas and lower densities, within the range, adjacent to the more densely developed areas and lower densities, within the range, outward to the City's edge consistent with the community's interest in feathering development.
- 199 Maintain scenic vistas from public rights-of-way and existing private development.
- 201 Preserve natural resources important to the community.
  - Enhance the rural traditions of the community and preserve Calistoga's small-town character through sensitive architectural and site planning.

The Applicant has designed and assembled the lots in a fashion that achieves the aforementioned performance standards. The proposed building pads are placed and/or oriented within each of the proposed parcels such that there is a sense of organic, non-repetitious, treatments, which will minimize potentially deleterious effects. The areas outside of the building envelopes will be preserved as open space, including small hobby vineyards. The large setbacks

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221 222 and roadway configuration preserves the existing views to the surrounding hillsides and maintains the character of the community, which mirrors the surrounding residential subdivisions of Garnett Creek Court and Silverado Tract.

Furthermore, the Housing Element (Page H-63 and Table H-16) identifies that these properties are likely to be developed at a density of one unit per acre. The project remains consistent with this policy.

Zoning Consistency: The project is consistent with the development standards of the "RR", Rural Residential Zoning District. Provided below are the applicable RR District regulations that will be applied to the project.

Development Callens			
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General Plan Designation	n Rural Residential 1 unit per acre (gross)	Rural Residential	None
Zoning	RR Rural Residential	RR Rural Residential	None
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.	15 Single Family Units	Approval of a Development, Agreement, Tentative Subdivision Map, and Design Review
Jses 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.	Not Applicable	None
linimum 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	Approximately 1 acre per lot	None
aximum Lot Coverage	RR: Primary Building, Including Accessory Structures 30% per lot.	Unknown at this time - Maximum 30%	None
eight	Maximum 25'	Single Story; Height not specified at this time	None
inimum Setbacks – ain Building	Front: 20' Side Yard, Interior: 10'	Proposed new structures to meet setback requirements.	None

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 Parking 2 spaces per unit Minimum 2 spaces per None

Traffic and Circulation: Access to the proposed project will be via a new street (Valencia Lane) connecting to Grant Street between Mora Avenue and Garnett Creek Court, and directly opposite Centennial Circle. The new 2-way street will run the length of the project and provide interior circulation as well as emergency vehicle access (Hawthorne Place) to the parcel easterly of the project site. Valencia Lane will be irrevocably offered for dedication and be developed with a half width of 22 feet, including a 10-foot travelway, 8-foot parkway, curb and gutter and a 4-foot landscape strip. A 5.5-foot public pedestrian easement will adjoin the Valencia Lane right-of-way and contain a 5-foot pathway. Portions of Hawthorne Place will be irrevocable offered for dedication and will be developed with a 22-foot half width and contain a 12-foot travelway, curb and gutters, 4.5-foot landscape stripe and a 5-foot pathway. Other portions of Hawthorn place will remain gated and private, with access only provided for emergency vehicles.

In October of 2006 the City of Calistoga adopted Resolution No. 2006-089, which set forth design criteria to be applied to frontage improvements for future development along Grant Street. Requirements for the segment between Mora Avenue and Myrtledale Road were reviewed and compared to the project as proposed.

The guidelines indicate that the roadway is to be retained at 24 feet of paved width, with a "natural setting" on the northerly side and a 5-foot asphalt pathway on the southerly side. The project site, which is on the northerly side of Grant Street, is not proposed to include sidewalks, which is consistent with the guidelines. The Grant Street frontage would be left in its natural state, though natural grasses may be planted if desired to accommodate parking along this segment, as allowed by the guidelines or unless otherwise required/approved.

However in order to maintain connectivity and pedestrian safety, the Planning Commission should further discuss and consider additional pedestrian oriented infrastructure. Staff recommends the Planning Commission consider the following alternatives:

- 1. Require the developer to construct a sidewalk along the project's entire frontage; or
- 2. Require the developer to construct a sidewalk along portions of the project's frontage; or
- Require the developer to construct a sidewalk on the south side of Grant Street opposite the project's frontage within the existing right-ofway; or
- 4. Require no additional pedestrian infrastructure other than that which is proposed.

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In addition, the "Grant Street Design Characteristics" specify that this segment of the roadway should be posted as a Class III bicycle route; as a result, minimal signage will be required as necessary.

### **FINDINGS:**

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

<u>PUBLIC COMMENTS</u>: No written public comments have been received subsequent to the posting of the public notice.

### **ENVIRONMENTAL REVIEW:**

Upon further analysis of site by the Developer's Biologist, Lucy Macmillan it was determined and confirmed by a representative from the Army Corps of Engineers, David Wickens that there are no jurisdictional wetlands on the 18-acre property and the area formerly mapped as potential wetland SWA (covering 0.2 acre) is not a wetland. This determination was made based on a site visit conducted at the appropriate time of the year during the rainy season. As a result, no on-site mitigation is required as previously noted on Proposed Parcel No. 1.

Furthermore, as a result of sending the CEQA notice to the State Office of Planning and Research (OPR) Clearinghouse, the City has received one written comment from the Department of Toxic Substances Control, which is a common comment on projects that involve demolition of existing buildings/structures. To ensure the City addresses this comment, a condition of approval has been added requiring the developer to submit a "Phase II" assessment, along with the improvement plans, showing that the property evaluation of the site has been completed to show the absence or presence of hazardous materials. Should it be found that hazardous materials are present, the study will recommend proper procedures for removal and disposal.

## **RECOMMENDATIONS:**

1. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2008-06 recommending to the City Council adoption of a Mitigated Negative Declaration based on an Initial Study prepared for the Vineyard Oaks Subdivision incorporating the findings and mitigation measures as provided in the resolution.

2. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2008-07 recommending to the City Council

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- 311 approval of a Zoning Ordinance Text Amendment (ZO 2008-01) amending 312 Chapter 17.08 to provide an alternative means for residential projects to satisfy the affordable housing requirements and incorporating the findings 313 314 as provided in the resolution. 315
- Staff recommends that the Planning Commission adopt Planning 316 3. Commission Resolution PC 2008-08 recommending to the City Council 317 approval of Development Agreement (DA 2007-02) incorporating the 318 319 findings as provided in the resolution. 320
  - 4. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2008-09 recommending to the City Council approval of a Tentative Subdivision Map (TTM 2007-01) incorporating the findings and subject to conditions of approval as provided in the resolution.
  - 5. Staff recommends that the Planning Commission adopt Planning Commission Resolution PC 2008-10 recommending to the City Council approval of Design Review (DR 2008-01) for the project incorporating the findings and subject to conditions of approval as provided in the resolution.

## **SUGGESTED MOTIONS:**

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- I move that the Planning Commission adopt Planning Commission Α. Resolution PC 2008-06 recommending to the City Council adoption of a Mitigated Negative Declaration based on an Initial Study prepared for the Vineyard Oaks Subdivision incorporating the findings and mitigation measures as provided in the resolution.
- I move that the Planning Commission adopt Planning Commission В. Resolution PC 2008-07 recommending to the City Council approval of a Zoning Ordinance Text Amendment (ZO 2008-01) amending Chapter 17.08 to provide an alternative means for residential projects to satisfy the affordable housing requirements and incorporating the findings as provided in the resolution.
- 347 C. I move that the Planning Commission adopt Planning Commission Resolution PC 2008-08 recommending to the City Council approval of Development Agreement (DA 2007-02) incorporating the findings as provided in the resolution.
- 352 I move that the Planning Commission adopt Planning Commission D. Resolution PC 2008-09 recommending to the City Council approval of a 353 354 Tentative Subdivision Map (TTM 2007-01) incorporating the findings and subject to conditions of approval as provided in the resolution. 355

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357	E	. I move that the Planning Commission adopt Planning Commission
358		Resolution PC 2008-10 recommending to the City Council approval of
359		Design Review (DR 2008-01) for the project incorporating the findings and
360		subject to conditions of approval as provided in the resolution.
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362	<u>A</u>	<u>rtachments:</u>
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364	1.	Mitigated Negative Declaration and Mitigation Monitoring Program Resolution
365		PC 2008-06
366		Zoning Ordinance Text Amendment Resolution PC 2008-07
<b>3</b> 67		Development Agreement Resolution PC 2008-08
368		Tentative Tract Map (Subdivision Map) Resolution PC 2008-09
369	5.	Design Review Resolution PC 2008-10
<b>37</b> 0	6.	Project Plans
371	7.	Initial Study Abbreviated (Full version available upon request)
372		Department of Toxic Substances Control Letter dated March 3, 2008
373	9.	Development Agreement



















