

RESOLUTION NO 2008-_____

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)

WHEREAS, BNK Investments, LLC, requests an amendment to 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;

WHEREAS, the Planning Commission has reviewed and considered this application at its regular meeting on March 12, 2008, and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony. After considering the project, the Commission adopted Resolution 2008-09 recommending approval of Tentative Subdivision Map based upon findings presented in the Staff Report and subject to conditions of approval;

WHEREAS, the City Council has reviewed and considered the application for the Project at its regular meeting on April 1, 2008 and prior to taking action on the application, the Council received written and oral reports by the Staff, and received public testimony;

WHEREAS, An Initial Study/Mitigation Negative Declaration (IS/MND) was completed in accordance with applicable CEQA Guidelines, and on February 1, 2008 the IS/MND was circulated for public and agency review and comment. Copies of the IS/MND were made available to the public at the Department of Planning and Building on February 1, 2008, and the IS/MND was distributed to interested parties and agencies. On February 1, 2008, a notice of the Planning Commission public hearing of March 12, 2008 to review the IS/MND was published in the local newspaper;

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

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

That the project, together with and any provision for its design and improvement, is consistent with the General Plan, the provisions of the Calistoga Municipal Code and the State Subdivision Map Act.

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

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

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

The property is relatively flat planted with vineyard and scattered trees throughout the property. The site has been determined to be physically suitable for the development of fifteen (15) residential units and will have little or no impact on the trees upon the implementation of the mitigation measures associated with the project.

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

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

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

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

A. General Conditions

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

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Tentative Subdivision Map (TTM 2007-02)
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3. This Tentative Subdivision Map shall expire on April 1, 2010, unless an extended by the terms of the Development Agreement or an extension has been granted consistent with the subdivision ordinance and the Subdivision Map Act.
4. Prior to the recordation of the Final Subdivision Map, all parcel corners and angle points, and all right-of-way curve points shall be monumented, subject to the approval of the City Engineer.
5. Prior to the recordation of the Final Subdivision Map, all current and estimated taxes due for this property shall be paid to the County Tax Collector's office.
6. Developer shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public Works Department. Approval of a tentative map depicting improvements that do not conform to the CMC or City standards does not constitute approval of exception to the CMC or City standards unless explicitly stated herein or in another City resolution.
7. The developer shall be responsible for all City plan check, map check and inspection costs. The developer shall deposit funds into a City Developer Deposit Account upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check costs. Prior to approval of the improvement plans the developer shall pay any outstanding balance for plan checking services and shall deposit an additional amount based upon the City's estimate of inspection costs.
8. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.

In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.
9. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Napa County Environmental Management or other designated agency. If

there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination.

10. Prior to recordation of the Final Map or in conjunction with the recordation of the Final Map, a "*Private Roadway Easement, Maintenance Agreement and Design Review Committee*" shall be recorded ensuring and providing for maintenance responsibility and parking enforcement for those portions of the roadway that are to remain private.
11. Maintenance of tree circle landscaping shall be clearly specified in the Maintenance Agreement. City expects that the homeowners will remove leaves, remove undesired vegetation, mow grass if necessary, maintain other plantings, provide all necessary irrigation, and perform all landscaping services within the curbline of the tree circles.
12. All conditions of approval contained in DA 2007-02 and DR 2008-01 Resolutions 2008-___ and 2008-___ are hereby incorporated into this Tentative Map Resolution by reference, which shall include the payment of \$600,000 into the Calistoga Affordable Housing Trust Fund, \$845,000 toward the Quality of Life and \$200,000 for Grant Street improvements.
13. Prior to recordation of the Final Map, all references to providing inclusionary housing on the "Helmer Property (2008 Grant Street) shall be removed from the Map.
14. Prior to recordation of the Final Map or in conjunction with the recordation of the Final Map, a Lot Line Adjustment with 1881 Mora Avenue shall be recorded, adjusting 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.
15. The streets shall be named "Valencia Lane" and "Hawthorne Place", unless otherwise modified by the City Council.

B. Improvement Plan Conditions

16. The developer shall prepare and submit improvement plans for the construction of all necessary and required improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and streetlights. All design and construction shall conform to the City of Santa Rosa Standard Specifications for Public Improvements, or other adopted City of Calistoga standards as applicable.
17. The Developer shall prepare a Soils Investigation/Geotechnical Report specific to the Improvement Plans. The Improvement Plans shall incorporate all design and construction criteria specified in the report.

18. The Developer shall submit a "Phase II" assessment, along with the improvement plans, indicating that a 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.
19. No grading or other construction shall be performed until the Improvement Plans have been approved and signed by the City Engineer. Encroachment Permits and Building Permits will not be issued prior to the approval of the Improvement Plans. An Encroachment Permit is required for any work within the City's public rights-of-way.
20. Improvements plans shall include an erosion control (winterization) plan.
21. Tree preservation measures shall be incorporated into the design of the improvements and shown on the Improvement Plans in accordance with the City's Tree Preservation Ordinance (CMC 19.01) and the project arborist's recommendations.
22. Roadway Improvements:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Street lighting shall be designed to meet safety requirements and minimize glare.
 - e. 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.

- 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 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 approval of the City Engineer.

Valencia Lane:

THIS WILL CHANGE BASED UPON ON CONVERSATION TODAY.

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 a 12-foot wide travel way, curb and gutter, 4.5-foot wide landscape stripe and a 5-foot wide pathway.

23. **Water and Sanitary Sewer Improvements:**

- a. A downstream sewer capacity analysis shall be conducted to the Washington Street trunkline.
- b. Any structure in which plumbing is to be installed shall be connected to the City's water and sewer systems unless an exception has been explicitly granted in accordance with the provisions of the CMC.
- c. All public water and sewer mains must be located in public right-of-way wherever possible. Where public water and sewer mains must be located

on private property, all necessary easement dedications must be made prior to final acceptance of the project by the City.

- d. All private storm drains, water, fire line services, sewer laterals, and appurtenances, must be located within the private property and clearly identified as private on the design drawings.
- e. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private laterals, as determined by the City, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated sewer lift station(s) with grinder/ejector pump(s) on site.

24. **Drainage Improvements:**

- a. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any applicable adopted City drainage plans. The capacity and condition of existing drainage facilities downstream of the development shall be analyzed and off-site drainage improvements shall be constructed as necessary. Site grading and drainage improvements shall be shown on the improvement plans.
- b. The developer's engineer shall include a site-grading plan that conforms to the requirements of CMC 19.08 as part of the required improvement drawings. Lots shall be generally designed to drain to the street, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
- c. All drainage inlets shall be permanently marked "No Dumping-Flows to River".

C. Final Map Conditions

- 25. The developer shall secure all necessary rights-of-way and easements for both onsite and offsite improvements. Rights-of-way and easements shall be dedicated on the map or provided by grant deed. The developer shall prepare all necessary legal descriptions and deeds.
- 26. The final map shall not be approved prior to approval of the improvement plans.
- 27. Prior to approval of the final map, the developer shall either complete required construction as shown on the signed improvement plans, or enter into an Improvement Agreement in accordance with Calistoga Municipal Code Section 16.18.070. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City Engineer.

28. A note shall be added to the final map indicating that the property owners are responsible for the maintenance of all landscaping, infrastructure and roadway/driveway improvements.
29. A final map, as defined in the State Subdivision Map Act and prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the City Engineers Office. Upon recording of the map, the subdivision is valid.

D. Subdivision Final and/or Release of Securities Conditions

30. All improvements shown on the Improvement Plans shall be completed and accepted by the City.
31. A complete set of *As-Built* or Record improvement plans showing all constructive changes from the original plans shall be submitted to the Public Works Department prior to acceptance of the public improvements.
32. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her engineer certifying that they observed the work during construction and that site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer.
33. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical Report or other recommendations necessitated by field conditions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 15th day of April 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

JACK GINGLES, Mayor

SUSAN SNEDDON, City Clerk