

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 15, 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

1 **ISSUE:**
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3 Consideration of a Zoning Ordinance Text Amendment (to provide an alternative
 4 means for residential projects to satisfy the affordable housing requirements),
 5 Development Agreement, Tentative Subdivision Map and Design Review
 6 requested by Ed Nagel of BNK Investments, LLC, on behalf of the property
 7 owners, Ira and Lois Carter to subdivide approximately 18 acres at 2400 Grant
 8 Street into 15 single-family lots.
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10 **RECOMMENDATION:**
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- 12 A. Adopt a Resolution approving a Mitigated Negative Declaration based on
 13 an Initial Study.
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 15 B. Introduce Ordinance and waive the first reading approving a Zoning Text
 16 Amendment.
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 18 C. Adopt a Resolution approving a Tentative Subdivision Map.
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 20 D. Adopt a Resolution approving Design Review for the project.
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 22 E. Introduce Ordinance waiving the first reading approving a Development
 23 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.

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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.

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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.

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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.

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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.

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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:*

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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".*

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77 *South Half of Grant Street*

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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.*

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84 *Valencia Lane:*

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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.*

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92 *Hawthorne Place:*

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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.*

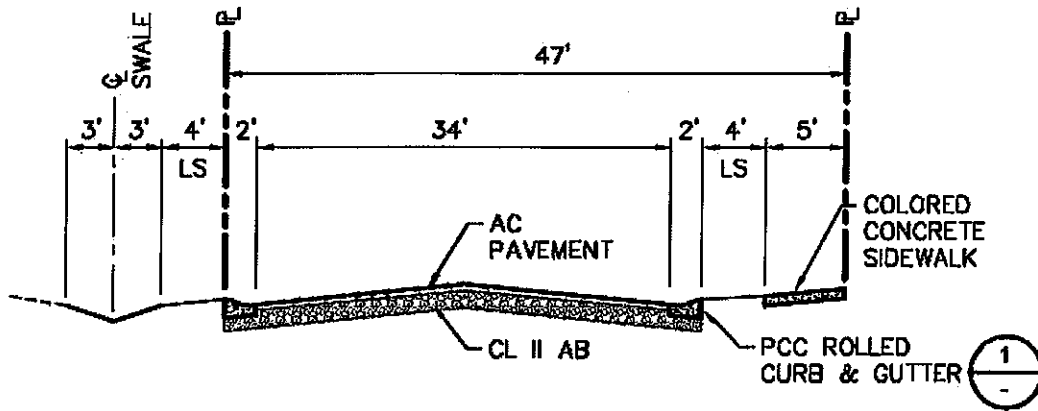
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98 The Municipal Code establishes street standards for public streets. The purpose
99 of uniform standards is to provide a consistent specification for public facilities
100 and to insure that important public safety concerns regarding pedestrian and
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.

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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:

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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.



A **VALENCIA LANE - RURAL SECTION**
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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.

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.

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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

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221 **ATTACHMENTS:**

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- 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 Ordinance 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

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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