



City of American Canyon

CITY COUNCIL RESOLUTION NO. 2006-233

**APPROVING
TENTATIVE MAP TM 05-03
FOR THE VILLAGE AT VINTAGE RANCH TOWNHOMES**

**Northeast Corner of Broadway and American Canyon Road/
Silver Oak Trail**

APNs 059-080-012 and 059-080-033

WHEREAS, an application for a Tentative Map for Condominium Purposes was filed by Ken Baki on behalf of Standard Pacific Homes and Peter Schellinger of BayRock Residential to permit the subdivision of 18 buildings into 164 separate ownership units on property located in the SP-1: Cluster Residential Zoning District northeast of American Canyon Road and Broadway, with APNs 059-080-012 and 059-080-033; and

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared for the project which concluded that no significant adverse environmental impacts would occur as a result of the project, and a Mitigated Negative Declaration was prepared; and

WHEREAS, at a duly-noticed public hearing held on June 1, 2006, the City Council adopted the Initial Study and Mitigated Negative Declaration for the Village at Vintage Ranch; and

WHEREAS, based on the evidence at its meeting of November 29, 2005, the Planning Commission adopted Resolution No. 2005-32 recommending that the City Council approve the Tentative Map subject to conditions, and

WHEREAS, duly-noticed public hearings were held by the City Council on April 6 and June 1, 2006 on the Tentative Map application, at which time all those in attendance were given the opportunity to speak, and,

WHEREAS, the City Council has considered all of the written and oral testimony presented at the meeting in making its decision;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve the Village at Vintage Ranch Tentative Map (TM 05-03), based on the following finding:

1. The proposed map is presently consistent with the Housing Element of the General Plan.

The creation of residential condominiums on this site is consistent with both the General Plan's and the Southeast Area Specific Plan's land use designations for the site. The City has determined that there is presently sufficient land within the City to achieve moderate income categories consistent with the City's share of regional housing need. The City maintains that sufficient alternative sites for the location of moderate income housing units, or another equally effective method(s) of meeting Housing Element compliance are available, exist within the City to accommodate this project, thus this project is considered consistent with the General Plan.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on June 27, 2006, by the following vote:

AYES: Shaver, Garcia, Anderson, Bennett Coffey
NOES: None
ABSTAIN: None
ABSENT: None


Cecil Shaver, Mayor

ATTEST:

APPROVED AS TO FORM:


Cherri Walton Deputy City Clerk



William D. Ross. City Attorney

Exhibit A

CONDITIONS OF APPROVAL

**The Village at Vintage Ranch Townhomes
APNs 059-080-012 and 059-080-033**

Tentative Map (TM 05-03)

Planning Department

Sandra Cleisz, Senior Planner – (707) 647-4337

1. Approval is granted for a Tentative Map for Condominium Purposes TM 05-03 to subdivide eighteen buildings located on a 11.56-acre site into 164 individual units, which shall be substantially as shown on plans labeled Exhibit B except as modified by these conditions.
2. Within two working days of the City Council approval, the applicant shall submit a check to the Planning Department in the amount of \$1285 (to cover the \$35 Notice of Determination filing fee and the \$1250 Department of Fish & Game filing fee), made payable to the Napa County Clerk.
3. All mitigation measures in the Mitigated Negative Declaration for this project and its Mitigation Monitoring and Reporting Program (MMRP) are hereby incorporated into the Conditions of Approval for this project and shall be implemented and signed off according to the timing and responsibilities outlined in the MMRP.
 - a. All Conditions of Approval for the Design Review permit for this project shall be implemented, including conditions related to Inclusionary Affordable Housing.

The project shall also be required to implement the affordable housing units requirement of the City's Inclusionary Housing Requirements, *Municipal Code § 19.28.04* which, as agreed to by the developer shall be seventeen (17) restricted low income units and four (4) restricted moderate income units.

Public Works Department

Armando Mora, Associate Civil Engineer – (707) 647-4585

4. Tentative Parcel Map TM 05-03 shall be valid for a 24-month period from the effective date of the tentative map approval by the City Council. Should the Final Map not be filed prior to the expiration date, the Tentative Map shall become null and void unless the applicant files a timely request for an extension.

Final Map

5. A subdivision map shall be prepared in accordance with the City of American Canyon Subdivision Ordinance, the State Subdivision Map Act, the approved tentative map, and these conditions of approval.
6. A current title report (within past 30 days) shall be submitted with the Final Map.
7. Closure calculations shall be provided at the time of initial Final Map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation printout. The points of beginning shall be clearly defined. All lot acreages shall be shown and shall be verifiable from information shown on the closure calculation printout.

8. If the subdivision improvements are not completed and accepted by the City prior to the filing of the final map, the developer shall enter into a subdivision improvement agreement with the City and pay all applicable fees and post all sureties, which are required prior to or concurrent with the City's approval of the agreement unless otherwise approved by the City Engineer and/or City Council.
9. The developer shall pay all applicable City fees and charges at the rate and amount in effect at the time such fees and charges become due and payable. Prior to final action by the City Council on this application, the applicant will be provided a detailed list of all required fees and when they are due and payable.

Dedications, Easements, and Access

10. The developer shall dedicate sufficient right-of-way along American Canyon Road along the project frontage to construct American Canyon Road Widening to its ultimate configuration as shown on plans prepared by Mackay & Somsps entitled American Canyon Road Improvements. The dedication shall be completed with the recordation of the Final Map or by a separate instrument upon Final Map approval at the request of the City Engineer.
11. Within 21-days of this tentative tract approval, the Developer shall submit to the City Attorney for review and approval an executed right-of-entry and license agreement for that portion of the property needed for the right-of-way for the American Canyon Road Widening Project subject to the approval of the City Attorney. The Developer shall also waive, in a form satisfactory to the City Attorney, all claims for compensation or cost associated with the right-of-entry and license to utilize a portion of the subject property for the American Canyon Road Widening Project. Should the developer or its successor-in-interest fail to record a final map within the time allowed under applicable law the developer or its successor-in-interest shall immediately meet and confer with the City Attorney to establish a date of value for the property subject to the right-of-entry and license agreement and to establish a fair market value for its use by the City. Should the parties fail to establish an agreed fair market value, the parties agree that the matter may be arbitrated by a retired judge of the Napa Superior Court or a retired justice of the First District Court of Appeal. The results of said arbitration shall be binding and final on all parties as to evaluation of the involved property.
12. The developer shall dedicate a 5-foot wide Public Utility Easement along the west side of Silver Oak Trail and the north side of American Canyon Road along the project frontage.
13. The developer shall dedicate adequate right-of-way for a bicycle trail. Said alignment will be determined during the project design and subject to the satisfaction of the City Engineer.

Street Improvements

14. The design and construction of street improvements shall conform to the City of American Canyon Public Works Department Engineering Standard Plans and Specifications for Public Improvements (latest edition), local ordinances, and the geotechnical report for this project.
15. The developer shall provide pedestrian access to American Canyon Road at the southeast corner of the property.
16. The developer shall stripe a left turn pocket into the development.
17. In accordance with City Ordinance 99-18 and the Traffic Mitigation Fee report approved by the City Council on December 16, 1999, the developer shall be responsible for the cost of

public road improvements along the north side of American Canyon Road between Highway 29 and Silver Oak Trail along the project frontage consisting of curb, gutter, landscaping, streetlights, undergrounding of overhead utilities, and one travel lane.

The estimated cost of said improvements is \$422,302, and are currently planned to be initiated by the City as part of the American Canyon Road East Assessment District. The developer shall make a cash contribution of \$422,302 in lieu of actual design and construction of the improvements. If actual costs exceed the estimated costs, the developer will be required to pay the difference between the estimated and actual costs prior to certificate of occupancy being issued.

18. In accordance with City Ordinance 99-18 and the Traffic Mitigation Fee report approved by the City Council on December 16, 1999, the developer shall contribute 25% of the cost of the realignment of Broadway and installation of traffic signals at the intersection of American Canyon Road and Broadway/Silver Oak Trail.

The estimated cost of said improvements is \$249,000. Because the improvements will be completed by the Broadway Realignment Capital Improvement Project, the developer shall make a cash contribution of \$249,000 in lieu of actual design and construction of the improvements. If actual costs exceed the estimated costs, the developer will be required to pay the difference between the estimated and actual costs prior to certificate of occupancy being issued.

19. The pavement structural section for public streets, private streets and on-site parking shall be based on the geotechnical report prepared for the project.
20. (Mitigation Measure Trans 4) Prior to building permit issuance, the project developer shall pay a fee of \$493 per unit to mitigate potentially significant cumulative traffic impacts to SR 29, in order to improve the entire corridor through American Canyon.

Water System Improvements

21. The design and construction of water system improvements shall conform to the City of American Canyon Public Works Department Engineering Standard Plans and Specifications for Public Improvements (latest edition) and local ordinances.
22. The location and the number of fire hydrants shall be installed in compliance with American Canyon Fire District Protection Regulations.
23. All proposed public water improvements including connections to the existing or proposed water system shall be shown on the improvement plans and constructed as part of the project improvements before final occupancy.
24. The water connection fee shall be paid prior to issuance of a building permit.
25. The developers shall submit final hydraulic calculations to the City Engineer to prove adequacy, size, and location of all proposed water lines. Final sizing of water lines shall be reviewed by the City Engineer during the plan check process and shall be revised at the direction of the City Engineer.
26. (Mitigation Measure Util 2) Prior to building permit issuance, the applicant shall pay increased water connection fees to provide funding for the City to acquire water resources and develop its treatment and distribution system. The City has adopted an ordinance putting all subdividers on notice regarding its intent to increase impact fees, including water connection fees. The minimum amount of water distribution and water demand fees expected to be due for the 164 multi-family units in the condominium project is \$645,328. Water meter fees shall be in addition to this amount. This will allow for the City to exercise

additional options for water transfer from the City of Vallejo and will also provide for implementation of the recycled water system, reducing the impact of additional water demand to a level of less than-significant.

27. (Mitigation Measure Util 3) Prior to building permit issuance, the applicant shall contribute to the City's Water Conservation program. The Water Conservation program is estimated to cumulatively conserve approximately 300 acre-feet per year of water city-wide, which would serve to reduce the impact of anticipated shortfalls during a single dry year considerably. The City is required to implement a program that includes water use survey programs, residential plumbing retrofit, system water audits, large landscape conservation programs, high-efficiency clothes washing machine financial incentives, public information, school education, and residential ultra-low flow toilet replacement. However, it lacks the financial ability to fully implement the program. The applicant shall contribute \$250 per residential unit to the Water Conservation program.

Sanitary Sewer Improvements

28. The design and construction of public and private sanitary sewer improvements shall conform to the City of American Canyon Public Works Department Engineering Standard Plan and Specifications for Public Improvements (latest edition) and local ordinances.
29. All proposed public sewer improvements, including connections to the existing or proposed sewer system, shall be shown on the improvement plans and constructed as part of the project improvements.
30. The sewer connection fee shall be paid prior to the issuance of a building permit.
31. The developer shall submit a sewage report for the on-site sewer system, which shall include calculation for sewage generation and sewer hydraulics to the City Engineer to prove adequacy, size, and location of all proposed sewer lines based on the approved site plan. Final design of sanitary sewer lines shall be reviewed by the City Engineer during the plan check process and can be revised at the direction of the City Engineer.
32. Clean-outs shall be installed at property line for all sewer laterals.
33. The City, at the developer's expense, shall model the sanitary sewer system in the American Canyon Sewage Drainage Basin, which consists of the American Canyon Road and Wetland Edge Road trunk sewers and its tributaries, to determine the extent of off-site sanitary sewer improvements to serve Canyon Rock Apartments.

The developer shall pay their fair share, based on fixture units, of the cost of off-site sanitary sewer improvements necessary to serve the development as determined by the City Engineer. This project may need to be served through construction of new sewer mains, upsizing of existing sewer mains, or a combination of the two. The estimated cost of said improvements is will be determined prior to the recordation of the Final Map. Because the improvements will be completed by the American Canyon Road, the developer shall make a cash contribution of (to be determined) in lieu of actual design and construction of the improvements. If actual costs exceed the estimated costs the developer will be required to pay the difference between the estimated and actual costs prior to certificate of occupancy being issued.

Recycled Water Improvements

34. The design and construction of recycled water system improvements shall conform to the City of American Canyon Public Works Department Engineering Standard Plans and Specifications for Public Improvements (latest edition) and local ordinances.

35. At the discretion of the Public Works Department, the developer shall be required to extend the recycled water pipeline in American Canyon Road along the project frontage from Broadway west to a point 5' from the prolongation of the project's westerly property line.

Drainage Improvements

36. The design and construction of all storm drainage improvements shall conform to the City of American Canyon Public Works Department Engineering Standard Plans and Specifications.
37. A final drainage study, including calculations, is required to be submitted with the grading plans. The drainage study shall address the scenario in which the storm drain system to the east of the project overflows. If necessary, the developer shall construct facilities and dedicate easements to convey floodwaters safely through or around the project. Final sizing of storm drain conduits and location of drainage facilities, including a detention basin, shall be determined prior to approval of the grading plans.
38. The developer shall construct a detention basin to maintain the post-development peak flow at 95% of the pre-development peak flow. The detention basin shall overflow/outlet into a bio-filtration swale along the western edge of the property, prior to draining into the City's storm drain system.

Utilities

39. Overhead utilities on the north side of American Canyon Road along the project frontage shall be placed underground. Undergrounding will be completed as part of the American Canyon Road Improvements Project. The cost has been included under the condition for street improvements.

Grading

40. A grading plan and geotechnical report prepared by a registered civil engineer shall be submitted to the City prior to issuance of a grading permit. Grading shall be completed in accordance with the Standard Plans and Specifications for Public Improvements (latest edition) and local ordinances.
41. Grading plans shall include a sedimentation and erosion control plan unless, due to the timing of work, it is waived by the City Engineer. Plans shall show any effect on adjacent properties. If the plan is waived and work extends into the rainy season (between October 1 and April 15) the developer must submit plans to the City for review and approval by September 1st of each year.
42. Upon completion of grading, the developer shall submit a compaction report from a geotechnical engineer and a certification from a civil engineer or licensed land surveyor stating the pads have been constructed in accordance with the approved plans.
43. The developer shall be responsible for obtaining all necessary permits from all applicable agencies before grading, unless otherwise approved by the City Engineer.

Landscaping

44. The developer shall submit landscaping plans to the City for approval. The frontage along American Canyon Road and Silver Oak Trail shall be landscaped and irrigated to the satisfaction of the Planning Director and City Engineer.

45. The developer shall construct a pull-out for traffic enforcement along American Canyon Road constructed with grass-crete, per specifications and to the satisfaction of the City Engineer.
46. The developer shall provide reclaimed water for all landscaped areas within the project and along the north side of American Canyon Road and the west side of Silver Oaks Trail within the public right-of-way.
47. The developer shall annex the landscape strip along the project frontage of American Canyon Road to be within the city right-of-way to the Landscape and Lighting District (LLD) in accordance with the Landscape and Lighting Act of 1972 (Streets and Highways Code Sections 22500) for the purpose of maintaining public landscape improvements. The cost of annexation shall be paid by the developer.

Storm Water Quality

48. The project shall prepare a Storm Water Management Plan that incorporates site and post-construction Best Management Practices (BMPs). The developer shall be responsible for obtaining the necessary Regional Water Quality Control Board storm water pollution permit for grading and construction. A Storm Water Pollution Prevention Plan shall be prepared for construction.
49. The detention basin shall be maintained on a regular basis by the development or their successors-in-interest who shall provide evidence suitable to the City's satisfaction that the basin will be maintained properly throughout the life of the project. Final storm drainage plans shall incorporate measures to reduce water quality impacts, including siltation and toxic pollutants, to the satisfaction of the City Engineer as required by Policy 18.24 of the General Plan.

General

50. Existing public and private facilities damaged during the course of construction shall be repaired by the applicant, at his sole expense, to the satisfaction of the City Engineer. Services will be maintained throughout construction.
51. Construction and grading activities on the site shall occur between 7:00 a.m. and 6:00 p.m. Monday through Friday. Work on weekends and holidays require written approval from the City Engineer. If approved, work shall occur only between 8:00 a.m. and 6:00 p.m. on Saturdays, and 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
52. The developer shall pay all applicable City fees and charges at the rate and in the amounts in effect at the time such fees and charges are due and payable. Prior to Building or Grading Permit approval, or final action by the City Council, the applicant will be provided a detailed list of all required fees and when they are due and payable.

Fire and Building Departments

(Keith Caldwell, Fire Chief, 642-2747)
(Dennis Corbett, Building Official, 647-4339)

53. All Fire Department and Building Department requirements shall be met and implemented.

Miscellaneous

54. Prior to, or concurrent with, recordation of the Final Map, the developer shall advance all applicable parks and civic center fees associated with this tract approval.

55. Prior to, or concurrent with, the recordation of the Final Map, Developer shall deposit with the City the amount of \$500,000 which is to be maintained in a blocked account by the City for use in constructing a community facility at a site east of State Route 29 and location to be determined in the sole discretion of the City.
56. Developer shall furnish evidence satisfactory to the Planning Director and Director of Public Works that the developer currently possesses a valid Nationwide Permit from the United States Army Corps of Engineers. Developer shall provide the City with the right to use such permits, along with other rights necessary for the City to demonstrate compliance with the Clean Water Act and any implementing regulations as a provision in the right-of-entry and license agreement to the subject property for purposes of constructing the American Canyon Road widening.
57. Upon issuance of any building permit implementing any portion of this project and the expenditure of funds in reliance thereon by the Developer or its successor-in-interest, shall notify the City Clerk, as well as the State Department of Housing and Community Development that the tract is no longer available for meeting the Regional Housing Needs Assessment of the City or any other local agency except as set forth in this tentative approval.
58. Should the developer or its successor-in-interest fail to file a final map within the time allowed by applicable law, it shall notify the State Department of Housing and Community Development that the tract is available for meeting affordable housing requirements of the City regardless of what the Regional Housing Needs Assessment of the City or any other local agency may be at that time. Evidence of such a notification shall also be filed with the City Clerk.