

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE
PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: JANUARY 9, 2013

SUBJECT: BERRY COTTAGES – 1110, 1112 & 1116 BERRY STREET
(APN 011-242-001)

1 **REQUEST:**

2
3 Consideration of a Planned Development application requested by the property
4 owners, Robert and Valerie Beck and Thomas Crowley to include; 1) the
5 rezoning of the property from an “R3”, Residential/Professional Office to a “PD”,
6 Planned Development Zoning District, 2) a Parcel Map, 3) a Preliminary/Final
7 Development Plan, and 4) a waiver from the undergrounding of utilities allowing
8 the creation of 3 parcels from an already developed property located at 1110,
9 1112 and 1116 Berry Street (APN 011-242-001).

10
11 **PROJECT SETTING & BACKGROUND:**

12
13 The subject site is located at the southwest corner of Berry and Myrtle Streets
14 and is zoned for high density housing and professional office uses (“R3”,
15 Residential/Professional Office). The site is 7,200 square feet in size and is
16 currently developed with three small detached single-family homes, each
17 approximately 675 square feet in size. Development in the vicinity of the subject
18 site consists of single-family residential homes, an apartment complex and St.
19 Lukes Church (see Attachment 7).

20
21 In 2009, the applicant approached the City about the possibility of subdividing the
22 subject site into three lots to create an individual lot for each of the existing
23 homes. On April 12, 2012 the Property Owner’s, Robert and Valerie Beck and
24 Thomas Crowley submitted a conceptual review application suggesting a rezone
25 and subdivision of the property. Subsequently, on June 13, 2012 the Planning
26 Commission reviewed the conceptual plans, received comments from the owner
27 and the public and provided comments and feedback to the owners and staff. A
28 formal application was then received on October 5, 2012.

29

30 **PROJECT DESCRIPTION AND REQUESTED APPROVALS:**

31
32 **1. Zoning Ordinance Map and Text Amendment**

33
34 The contemplated project (i.e. subdividing the subject site into three lots to create
35 an individual lot for each of the existing homes) results in development conditions
36 that are not consistent with the development standards of the R-3 Zoning District,
37 including minimum lot area, minimum lot dimensions, front yard setbacks and
38 parking. Given this, the owners are proposing that the project site be rezoned to
39 a Planned Development (“PD”) Zoning District to allow for variation in applicable
40 zoning and development standards.

41
42 The proposed rezone to a “PD” zoning district would establish development
43 standards specific to the property. There are development standards in every
44 zoning district. For example, each district contains a list of allowed uses,
45 conditionally permitted uses and allowed accessory uses—some include a listing
46 of prohibited uses as well. Each district also contains the dimensional
47 requirements associated with development within the district, such as height
48 standards, setbacks, lot coverage, and off-street parking standards. Typically,
49 the zoning standards also establish the minimum lot sizes to include length and
50 width requirements. The proposed zoning contains these standards, but also
51 contains design review requirements, which are unique to the subject site (See
52 Draft PD District language in Attachment No. 1).

53
54 It should be noted that all applications requesting approval of a rezone shall be
55 brought to the City Council for consideration of whether a Development
56 Agreement would be appropriate for this project proposal. At this time the
57 applicant has not indicated a desire for a Development Agreement.

58
59 **2. Preliminary and Final Development Plan**

60
61 The property’s General Plan land use designation is High Density
62 Residential/Office and the property is proposed to be within the “PD 2012-01”,
63 Berry Cottages Planned Development Zoning District. Therefore, as a result of
64 the property ultimately being rezoned to the “PD 2012-01” District, a Preliminary
65 and Final Development Plan is required pursuant to Chapter 17.24 of the
66 Calistoga Municipal Code. Section 17.24.040 of the Calistoga Municipal Code
67 states;

68
69 *“A. Approval of a base or combining district [Planned*
70 *Development District] by the Planning Commission shall be*
71 *accompanied by a preliminary development plan that has*
72 *been filed and reviewed using the same procedures set forth*
73 *in Chapter 17.40 CMC (Use Permits).*

- 74 B. *The action of the Planning Commission on the preliminary*
75 *development plan shall not be considered final until action by*
76 *the Council on the base or combining district has occurred.*
77 C. *Approval by the Council of the preliminary development plan*
78 *in accordance with the procedures required shall constitute*
79 *that body's approval establishing a planned development*
80 *combining or base district, and the development plan shall*
81 *be, by reference, incorporated into and become a part of the*
82 *planned development combining or base district.*
83 D. *Any planned development combining or base district*
84 *established shall be subject to all conditions imposed and*
85 *shall be exempted from other provisions of this title only to*
86 *the extent specified."*

87
88 and Section 17.24.060 CMC states

89
90 *"The applicant shall submit a final development plan and supporting*
91 *evidence and documents as required for review and approval in the*
92 *conditions of approval of the preliminary plan."*

93
94 The Applicant has submitted a Preliminary and Final Development Plan, which is
95 Tentative Parcel Map design titled "Tentative Parcel Map of the Lands of Thomas
96 Crowley and Robert Beck et al" prepared by Terra Firma Surveys, Inc., which
97 was received on October 5, 2012 by the Planning and Building Department. As
98 presented, the Preliminary and Final Development is used to assist the City with
99 the design and control of the Tentative Parcel Map. In this particular case, the
100 Preliminary Development Plan is also intended to help shape the development of
101 the 3 lots in a manner that achieves a desired vision for design and character
102 compatibility with the environmental features and surrounding neighborhood.

103
104 With the incorporation of conditions of approval, Staff believes that the
105 Preliminary and Final Development Plan is sufficient to determine consistency
106 with the 2003 General Plan Update, ensure perpetual maintenance of the
107 property and its improvements and determine compatibility with the surrounding
108 neighborhood. See Staff's analysis of this project for a complete description of all
109 necessary conditions of approval.

110 111 **3. Tentative Parcel Map**

112
113 Due to the size and scope of this project, the property owners have elected to file
114 a Tentative Parcel Map concurrently with the aforementioned Preliminary and
115 Final Development Plan. The Tentative Parcel Map is necessary to divide the
116 existing 7,200 square foot parcel into the three new parcels. The State
117 Subdivision Map Act and the Calistoga Municipal Code govern the proposed

118 Tentative Parcel Map. Section 17.24.090 of the Calistoga Municipal Codes
119 states,

120

121 *“17.24.090 Subdivision of planned unit development.*

122 *A. The Planning Commission may approve subdivision of a*
123 *planned development into lots or as a condominium if the*
124 *Planning Commission finds that adequate provisions are*
125 *enforced to insure the perpetual maintenance of all areas and*
126 *improvements proposed to be owned in common, and to insure*
127 *that additional development will conform with the approved plan.*

128 *B. If approval is granted for subsequent division after approval of*
129 *the preliminary development plan, the approved plan shall*
130 *govern the development on each of the separate parcels.”*

131

132 The proposed lots are designed to meet the requirements of proposed “PD 2012-
133 01” zoning district and further analysis of the State Subdivision Map Act and
134 Calistoga Municipal Code regarding this project is contained herein.

135

136 **4. Waiver Undergrounding Utilities**

137

138 The Applicant has also submitted a request to waive the undergrounding
139 requirements. The existing electricity and telephone poles and distribution lines
140 are located across Berry Street and service drops extend overhead to the
141 houses. Per Section 16.16.090 (A) of the Calistoga Municipal Code the property
142 owners would be required to underground the service drops across Berry Street
143 but not the poles and distribution lines since they are on the opposite side of the
144 street outside of the subdivision boundary.

145

146 Section 16.02.080(B) does allow the City Council to waive the undergrounding
147 requirement upon making certain findings:

148

149 *B. The Council shall find that the granting of the modification will not be*
150 *detrimental to the public welfare or injurious to other property in the*
151 *territory in which the property is situated, and that:*

152 *1. There are unique circumstances or conditions affecting the property*
153 *relative to size, shape or topography; or*

154 *2. The waiver or modification will improve the overall subdivision*
155 *design; or*

156 *3. The property is to be devoted to such use that it is impossible or*
157 *impracticable in the particular case for full compliance; and*

158 *4. Approval of any waiver or modification does not result in lots which*
159 *are in conflict with the zoning ordinance.*

160 *In all cases in which such modifications are authorized, the Council shall*
161 *require such evidence as it deems necessary that the conditions required*
162 *in connection with such modifications are being met.*
163

164 Therefore, should the Planning Commission find in support of the request to
165 waive the undergrounding requirements, the Planning Commission should make
166 a recommendation to Council regarding this support based on the variance
167 findings presented in the Draft Resolution. To assist the Planning Commission in
168 this recommendation please see Staff's assessment described in the following
169 Public Utilities and Infrastructure subsection, to follow.
170

171 **STAFF ANALYSIS AND DISCUSSION:**
172

173 **A. General Plan Conformance**
174

175 The subject site has a General Plan land use designation of High Density
176 Residential/Office (10 to 20 units per acre). Allowed uses in this land use
177 designation generally include higher density (multi-unit) housing, offices, senior
178 housing and dedicated affordable housing.
179

180 Staff believes that with deed restrictions ensuring an affordable unit, the
181 contemplated conversion of a multi-unit property into three single-unit properties
182 can be found to be consistent with the General Plan because it would advance
183 the objective of providing dedicated affordable housing units at a density that is
184 at the upper end of the allowable density range (18 units per acre).
185

186 **B. Zoning Conformance:**
187

188 The subject site is currently zoned "R-3" (Residential/Professional Office). The
189 R-3 Zoning District implements the High Density Residential / Office General
190 Plan land use designation. The intent of the R-3 Zoning District is to increase the
191 diversity and affordability of housing stock in Calistoga by providing housing
192 close to downtown services and to provide convenient accessibility to light
193 professional office uses for residents and businesses located in the downtown
194 area.
195

196 However as previously noted, the contemplated project would result in
197 development conditions that are not consistent with the zoning standards of the
198 R-3 Zoning District, including minimum lot area, minimum lot dimensions, front
199 yard setbacks and parking (see Table 1 below). Given this, the owner is
200 proposing that the project site be rezoned to a Planned Development ("PD")
201 Zoning District to allow for variation in applicable zoning and development
202 standards. PD districts are typically applied to accommodate well-planned or
203 well-designed projects. Since the subject site is already developed, staff

204 believes that restricting the rental or sales price of an existing unit to a level that
 205 would be affordable to moderate income households is an alternative that would
 206 provide an acceptable benefit for allowing application of the PD combining
 207 district. It would also advance the intent of increasing the supply of affordable
 208 housing. The Planning Commission concurred with Staff's position during its
 209 review of conceptual development plans.
 210

Table 1 – DEVELOPMENT STANDARDS		PD 2012-01, Berry Cottages Planned Development District
R-3 Zoning District / Base Zone Requirement		
Density / Intensity	1 unit per 2,000 square feet of site area / 3 max.	1 unit per 2,200 square feet of site area / 3 max.
Myrtle Street Side Yard Setback	15 feet	3 feet
Berry Street Front Yard Setback	10 feet	10 feet
Interior Side Yard Setback	5 feet	3 feet
Accessory Structure Side/Rear Setback	5 feet	3 feet
Rear Yard	10 Feet	10 Feet
Min. Lot Width	60 ft. (Interior); 70 ft. (Corner)	40 ft. (Interior); 37 ft (Corner)
Min. Lot Depth	100 ft.	60 ft.
Max. Lot Coverage	40%	40%
Building Height	25 Feet	25 feet
Parking	2 spaces per unit, outside of required setback areas.	No on-site parking required

211
 212 Applicability to the existing and proposed Zoning Districts are summarized below:
 213

214 In all zoning districts, required on-site parking must be provided and located
 215 outside of all required yard setbacks. In this case the lots are small and with the
 216 exception of the garage on the proposed corner lot at Myrtle and Berry Streets, it
 217 appears that the existing shed structures or driveways would need to be enlarged
 218 to accommodate parking out side of the setbacks.
 219

220 Staff is concerned about the potential for future owners to use the garage
 221 structure for storage of personal belongings (given the small size of the homes),
 222 which would then result in two cars potentially being parked in the rear and side
 223 yard (driveway) areas. Given the close proximity of the homes, staff believes
 224 that vehicle parking in the driveways could be disruptive to adjoining property
 225 owners and diminish the quality of the living environment. As such, staff has

226 incorporated a condition of approval eliminating on-site parking requirements.
227 The conditions of approval require that the curb cuts and driveways be removed
228 and replaced with a continuous curb, gutter and sidewalk requiring future owners
229 to park on the street. Closure of the curb cuts would create additional on street
230 parking capacity.

231
232 The “PD 2012-01” District would allow a height of 25 feet could potentially allow
233 for a future owner to construct a second story addition on any one of the existing
234 homes. Staff is concerned that a second story addition, such as a third bedroom,
235 could increase the intensity of development/use on each lot which in turn could
236 have negative imp

237
238 **C. Affordable Housing**

239
240 Staff believes that restricting one of the existing homes to a rent and sales price
241 that is affordable to households with moderate income merits consideration of a
242 Planned Development (PD) Zoning District. As such, Staff recommends that the
243 unit be designated and available to a single family having between 80 and 120
244 percent of the average medium income for Napa County (See Table 2 or
245 Attachment 9 for additional information). Therefore, Staff recommends that the
246 developer shall enter into an Affordable Housing Agreement with the City prior to
247 recordation of the Parcel Map. The terms of the Agreement shall be established
248 at the sole discretion of the City of Calistoga and shall be subject to the review
249 and approval of the City Attorney.

250
251 **TABLE 2 – RANGE OF AFFORDABILITY FOR MODERATE INCOME**
252 **HOUSEHOLDS**

	80% of Median Income	100% of Median Income	120% of Median Income
Affordable Purchase Price	234,200	310,000	372,318
Affordable Monthly Rent	1,463	1,938	2,325

253
254 **D. Growth Management:**

255
256 The contemplated project would not require a Growth Management Allocation
257 pursuant to Section 19.02.050 of the Calistoga Municipal Code, which exempts
258 minor residential subdivisions and existing dwelling units that were constructed
259 prior to 2004.
260
261

262 **E. Public Utilities and Infrastructure**

263

264 Because the property is already developed it is not anticipated that the project
265 would result in increased demands on public utility systems, including water,
266 sewer and storm drainage facilities. Although, prior to the recordation of the
267 Parcel Map minor upgrades and infrastructure improvements will be warranted to
268 bring the facilities into compliance with current construction standards. These
269 upgrades and infrastructure improvements are summarized below.

270

271 Water: There is a 6-inch water line in Berry Street and a 2-inch water line on
272 Myrtle Street. Subdivision of the property would require individual metering of
273 water use on each lot.

274

275 Sewer: There are 6-inch sewer lines in Berry Street and Myrtle Street. Separate
276 sewer laterals serving each individual lot are required and dedication of proper
277 easements will be required, as necessary. Prior to recordation of the Parcel
278 Map, field tests will need to be performed to ensure that each residence has a
279 separate connection and that the proper easements are established.

280

281 Storm Water Drainage: Minor grading and trenching will be required to convey
282 storm water to the public right-of-way. A drainage easement may be required for
283 conveyance of water across properties to the public right-of-way.

284

285 Sidewalks: Replacement or repair of the curb, gutter and sidewalk along the
286 property's Berry Street frontage will be required.

287

288 Construction of a sidewalk along the property's Myrtle Street frontage will be
289 required including ADA curb ramps.

290

291 Underground Utilities Waiver: The Applicant has also submitted a request to
292 waive the undergrounding requirements. The existing electricity and telephone
293 poles and distribution lines are located across Berry Street and service drops
294 extend overhead to the houses. Per Section 16.16.090(A) of the Calistoga
295 Municipal Code the property owners would be required to underground the
296 service drops across Berry Street but not the poles and distribution lines since
297 they are on the opposite side of the street.

298

299 The requirement to install underground public utilities is not necessary to
300 accommodate the installation of right-of-way and/or frontage improvements.
301 Typically, overhead utilities are placed underground in conjunction with
302 substantial roadway improvements due to economies of scale. In this case, only
303 a limited amount of frontage is being improved (i.e. curb, gutter and sidewalk
304 repair/replacement) and the undergrounding would require multiple trenches
305 across an existing concrete roadway. Trenching across the concrete roadway

306 would cause unnecessary fractures and failures. The undergrounding should
307 occur in conjunction with a larger roadway project. As such, Staff is supportive the
308 required variance findings have been incorporated into Planning Commission's
309 draft Resolution provided in Attachment 4.

310

311 **F. Trees**

312

313 The property and the surrounding properties contain several mature trees and
314 smaller oak trees, which are protected pursuant to Chapter 19.01 of the
315 Calistoga Municipal Code. The Public Works Director will require that an Arborist
316 Report be prepared assessing the impacts to protected trees including
317 suggestions to avoid disturbance and mitigation measures where disturbance
318 can not be avoided prior to commencement of the infrastructure improvements
319 discussed in the Public Utilities and Infrastructure section above.

320

321 **G. Recreation / Quality of Life**

322

323 The City has established Development Impact fees to offset the costs associated
324 with the need for and new facilities. The Quality of Life Development Impact Fee
325 is collected by the Planning and Building Department to offset the impacts to
326 cultural and recreational amenities as a result of new development or
327 intensification of development that requires a discretionary permit. The City's
328 Quality of Life Development Impact fee for residential subdivisions is \$3,000.00
329 per unit. Therefore, prior to recording the final map, \$9,000.00 shall be paid by
330 the property owners for impacts to recreation as a result of the Parcel Map.

331

332 **FINDINGS**

333

334 To reduce repetition, all of the necessary findings are contained in each of the
335 respective Resolutions, see attached.

336

337 **ENVIRONMENTAL REVIEW**

338

339 This proposed action is exempt from the California Environmental Quality Act
340 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines since the proposed
341 project has no potential for causing a significant effect on the environment.

342

343 **RECOMMENDATIONS**

344

345 Staff recommends that the Planning Commission take the following actions:

346

347 A. File a Notice of Exemption for the Project pursuant to Section 15061(b)(3)
348 of the CEQA Guidelines.

349

- 350 B. Adopt a Resolution recommending to the City Council the adoption of an
351 Ordinance amending Title 17 (Zoning Ordinance) of the Calistoga
352 Municipal Code rezoning the property located at 1110, 1112 & 1116 Berry
353 Street (APN 011-242-001) from an “R3”, Residential/Professional Office
354 District to the “PD 2012-01”, Berry Cottages Planned Development
355 District.
356
- 357 C. Adopt a Resolution recommending to the City Council approval of a
358 Preliminary/Final Planned Development Plan (PD 2012-01) for the Berry
359 Cottages project located at 1110, 1112 & 1116 Berry Street (APN 011-242-
360 001) incorporating the findings and subject to the conditions of approval as
361 provided in the Resolution.
362
- 363 D. Adopt a Resolution recommending to the City Council approval of a Parcel
364 Map (PM 2012-01) on the property located at 1110, 1112 & 1116 Berry
365 Street (APN 011-242-001) incorporating the findings and subject to the
366 conditions of approval as provided in the Resolution.
367
- 368 E. Adopt a Resolution recommending to the City Council approval of a waiver
369 from the undergrounding of utilities on the property located at 1110, 1112 &
370 1116 Berry Street (APN 011-242-001) incorporating the findings as
371 provided in the Resolution.
372

373 **ATTACHMENTS**

- 374 1. Draft Planning Commission Resolution, Rezone
375 2. Draft Planning Commission Resolution, Preliminary and Final
376 Development Plan
377 3. Draft Planning Commission Resolution, Parcel Map
378 4. Draft Planning Commission Resolution, Waiver to Underground Utilities
379 5. Project Description Prepared by Applicant Received October 5, 2012
380 6. Vicinity Map
381 7. Land Use Context Map
382 8. Site Photos
383 9. 2012 Napa County Annual Income Limits – Affordable Rental Limits
384 10. Planning Commission Meeting Minute Excerpt dated June 13, 2012
385 11. Tentative Parcel Map
386

387 **NOTE:** The applicant or any interested person is reminded that the Calistoga
388 Municipal Code provides for a ten (10) calendar day appeal period. If there is a
389 disagreement with the Planning Commission, an appeal to the City Council may be
390 filed. The appropriate forms and applicable fee must be submitted prior to 5:00
391 p.m. on or before the tenth calendar day following the Commission's final
392 determination.