

RESOLUTION NO. 2013-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A PRELIMINARY & FINAL DEVELOPMENT PLAN (PD 2012-01) FOR THE BERRY COTTAGES PROJECT LOCATED AT 1110, 1112 & 1116 BERRY STREET (APN 011-242-001) WITHIN THE “PD”, BERRY COTTAGES PLANNED DEVELOPMENT DISTRICT.

1 **WHEREAS**, an application was submitted by the Property Owners, Robert
2 and Valerie Beck and Thomas Crowley on October 5, 2012 requesting; 1) the
3 rezoning of the property from an “R3”, Residential/Professional Office to a “PD”,
4 Planned Development Zoning District, 2) a Parcel Map, 3) a Preliminary/Final
5 Development Plan, and 4) a waiver from the undergrounding of utilities allowing
6 the creation of 3 parcels from an already developed property located at 1110,
7 1112 and 1116 Berry Street (APN 011-242-001); and
8

9 **WHEREAS**, the project is exempt from the California Environmental
10 Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines since the
11 proposed project has no potential for causing a significant effect on the
12 environment; and
13

14 **WHEREAS**, the Planning Commission reviewed the project during a
15 public hearing at it’s regularly scheduled meeting on January 9, 2013. During its
16 review, the Planning Commission considered the public record, including the staff
17 report, findings, and written materials and testimony presented by the applicant
18 and the public during the hearing; and
19

20 **WHEREAS**, the Planning Commission, pursuant to Chapter 17.40.070
21 Findings (Use Permit) has made the following findings for the project:
22

- 23 1. The proposed development, together with any provisions for its design
24 and improvement, is consistent with the General Plan, any applicable
25 specific plan and other applicable provisions of the Zoning Code including
26 the finding that the use as proposed is consistent with the historic, rural,
27 small-town atmosphere of Calistoga.
28

29 Finding: The subject site has a General Plan land use designation of High
30 Density Residential/Office. Allowed uses in this land use designation
31 generally include higher density (multi-unit) housing at a range of 10 to 20
32 dwelling units per acre. The developed density is at approximately 18
33 dwelling units per acre. The use of the property and the density are
34 consistent with the General Plan land use designation.
35

36 Rezoning the property to a Planned Development (“PD”) Zoning District
37 allows for variation in applicable development standards. PD districts are
38 typically applied to accommodate well-planned or well-designed projects.
39 Since the subject site is already developed, restricting the rental or sales
40 price of an existing unit to a level that would be affordable to moderate
41 income households advance the intent of increasing the supply of
42 affordable housing. Furthermore, the proposed development standards
43 and design review requirements established in the PD District will ensure
44 that future additions and/or modification to the structures maintain an
45 appropriate architectural style and scale that is consistent with the historic,
46 rural, small-town character.

47
48 2. The site is physically suitable for the type and density of development.

49
50 Finding: There are no changes proposed to the type of land use
51 (residential) or density (10 to 20 dwelling units per acre) presented in this
52 application. This residential development will be required to meet and
53 maintain strict development standards (e.g. setbacks, lot coverage and
54 height limitations) and will be in a location that would not create land use
55 conflicts.

56
57 3. The proposed development has been reviewed in compliance with the
58 California Environmental Quality Act (CEQA) and the project will not result
59 in detrimental or adverse impacts upon the public resources, wildlife or
60 public health, safety and welfare.

61
62 Finding: The proposed project is Categorical Exempt from the
63 requirements of the California Environmental Quality Act (CEQA) pursuant
64 to Section 15061(b)(3) of the CEQA Guidelines.

65
66 4. Approval of the use permit application will not cause adverse impacts to
67 maintaining an adequate supply of public water and an adequate capacity
68 at the wastewater treatment facility.

69
70 Finding: The property currently has water and wastewater service. No
71 additional demand on the City’s supply of water or treatment capacity is
72 anticipated.

73
74 5. Approval of the use permit application shall not cause the extension of
75 service mains greater than 500 feet.

76
77 Finding: This use will not result in an extension of an existing service
78 main greater than 500 feet.

79

80 6. An allocation for water and/or wastewater service pursuant to Chapter
81 13.16 CMC (Resource Management System) shall be made prior to
82 project approval. Said allocation shall be valid for one year and shall not
83 be subject to renewal.
84

85 Finding: The property currently has water and wastewater service. No
86 new allocation is required to accommodate the project.
87

88 7. The proposed development presents a scale and design which are in
89 harmony with the historical and small-town character of Calistoga.
90

91 Finding: The existing cottages are presently compatible with the
92 neighborhood. The proposed development standards and design review
93 requirements will ensure that future additions and/or modification to the
94 structures maintain an appropriate architectural style and scale that
95 compliments Calistoga's character.
96

97 8. The proposed development is consistent with and will enhance Calistoga's
98 history of independent, unique, and single location businesses, thus
99 contributing to the uniqueness of the town, which is necessary to maintain
100 a viable visitor industry in Calistoga and to preserve its economy.
101

102 Finding: This is a residential project; therefore this finding is not
103 appropriate for residential projects.
104

105 9. The proposed development complements and enhances the architectural
106 integrity and eclectic combination of architectural styles of Calistoga.
107

108 Finding: This Project does not propose to modify the architectural integrity
109 of the three existing cottages. The proposed development standards and
110 design review requirements will ensure that future additions and/or
111 modification to the structures maintain an appropriate architectural style
112 and scale that is harmonious with the neighborhood character.
113

114 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
115 Commission that based on the above findings, hereby recommends to the City
116 Council approval of a Preliminary & Final Development Plan (PD 2012-01)
117 subject to the following Conditions of Approval:
118

119 1. This permit authorizes the subject site to be split into three lots to create
120 an individual lot for each of the existing homes on the site consistent the
121 Tentative Parcel Map received October 5, 2012 and consistent with all
122 other City Ordinances, rules, regulations, and policies. The conditions

- 123 listed below are particularly pertinent to this permit and shall not be
124 construed to permit violation of other laws and policies not so listed.
125
- 126 2. Approval of this permit is limited to conformance with the land use
127 provisions contained in the City's Zoning Ordinance. Use of the property
128 shall be limited to those uses identified in the Findings above and the Staff
129 Report dated January 9, 2013. Any changes to the approved use are
130 subject to the provisions of the Zoning Ordinance, as it exists now or may
131 be amended in the future.
132
- 133 3. Development and use of the project shall conform to all required
134 conditions established herein. Failure to comply with these conditions may
135 result in amendment by the Planning Commission or possible revocation
136 to protect the public health, safety and general welfare of the community,
137 as set forth in the City's Zoning Ordinance.
138
- 139 4. This Preliminary Development Plan is approved contingent upon the
140 applicant applying for and receiving approval to rezone the site from an
141 "R3", Residential/Professional Office District to a "PD", Planned
142 Development Zoning District. If the site is not rezoned to a "PD", Planned
143 Development Zoning District, this approval shall be null and void.
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- 145 5. Each unit shall have illuminated address numbers that are clearly visible
146 to the street day and night.
147
- 148 6. All perimeter fencing shall be subject to review and approval by the
149 Planning and Building Department. The Planning and Building Department
150 shall pay particular attention to the project's aesthetics and sight lines.
151
- 152 7. The developer shall covenant and agree with the City to the specific
153 terms, conditions and restrictions upon the possession, use and
154 enjoyment of the subject property, which terms, conditions and restrictions
155 shall be recorded with the Napa County Recorder's Office as a part of the
156 deed of the property to ensure that one affordable unit is provided and
157 maintained over time and through subsequent sales or rent of the
158 property. An inclusionary requirement of one (1) unit shall apply to the
159 project of which the unit shall be affordable to households between 80 and
160 120 percent of the (HUD) Napa County annual median income, as
161 specified by the Planning and Building Department.
162
- 163 8. Prior to recordation the Parcel Map, a housing agreement shall be
164 submitted for review by the City Attorney and the Planning and Building
165 Department. Such agreement shall specify 1) responsibilities of the
166 developer for making the unit available to eligible owners or renters and 2)

167 responsibilities of the developer to prepare application forms for the
168 potential owner or renter, establish criteria for qualifications, and monitor
169 compliance with the provisions of the agreement. Prior to recordation of
170 the Parcel Map, this affordable housing agreement shall be executed and
171 recorded.

172
173 9. All landscaping shall be maintained throughout the life of the project, and
174 shall be replaced as necessary.

175
176 10. This permit shall be null and void if not used by January 9, 2016, or if the
177 use is abandoned for a period of 180 days.

178
179 **PASSED, APPROVED, AND ADOPTED** by the Planning Commission of
180 the City of Calistoga at a regular meeting held this **9th day of January 2013**, by
181 the following vote:

182
183 **AYES:**
184 **NOES:**
185 **ABSENT:**
186 **ABSTAIN:**

187
188 _____
189 JEFF MANFREDI, Chairman

190 ATTEST:
191
192
193 _____
194 ERIK V. LUNDQUIST
195 Acting Planning Commission Secretary