

**CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING MINUTE EXCERPT**

Wednesday, June 13, 2012
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice Chairman Paul Coates
Commissioner Carol Bush
Commissioner Nicholas Kite
Commissioner Walter Kusener

“California Courts have consistently upheld that development is a privilege, not a right.”

Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

1
2 **A. ROLL CALL**

3
4 **Present:** Chairman Jeff Manfredi, Vice Chairman Paul Coates, Commissioners Carol Bush,
5 Nick Kite and Walter Kusener. **Absent:** None. **Staff Present:** Ken MacNab, Planning and
6 Building Manager, and Erik Lundquist, Senior Planner.

7
8 **I. NEW BUSINESS**

9
10 [This item was taken out of order from the published agenda]

- 11
12 1. **BERRY STREET COTTAGES (CDR 2012-01):** Review of conceptual
13 plans to rezone and subdivide a 7,200 square foot property located on the corner of
14 Berry and Myrtle Streets into three 2,400 square foot lots. The subject property is
15 currently developed with three small detached homes. Each of the existing homes
16 would be retained on an individual lot as part of the project. No action on the
17 conceptual plans is being requested at this time. The project site is located at 1110
18 Myrtle Street (APN 011-242-001) within the “R-3”, Residential/Professional Office
19 Zoning District.

20
21 **Planning Manager MacNab** gave the staff report.

22
23 **Commissioner Bush** asked if deed restrictions were necessary to ensure
24 affordability. **Planning Manager MacNab** responded that without a deed restriction
25 there is no guarantee that the units would be rented or sold at affordable levels.

26
27 **Commissioner Bush** asked if requiring affordability was necessary for rezoning the
28 property. **Planning Manager MacNab** explained that generally there must be some
29 benefit when rezoning to PD, and that since the site is already developed staff
30 believes dedication of one or more units as an affordable unit would provide that
31 benefit.

32 **Vice Chair Coates** asked for clarification on how the garage that straddles a property
33 line between two of the proposed lots would work.

34
35 **Commissioner Kusener** asked what the price range was for moderate income
36 homes. **Planning Manager MacNab** reviewed price range information provided on
37 Page 8 of the staff report.

38
39 **Chairman Manfredi** asked for an explanation of lot size requirements in the R-3
40 zoning district. **Planning Manager MacNab** responded that there are two standards
41 in the R-3 district addressing lot size. The first is a minimum lot size requirement of
42 6,000 square feet. The second standard is a minimum lot area per unit requirement
43 of 2,000 square feet.
44

45 **Bob Beck**, 1018 Cedar Street (owner, applicant). Mr. Beck discussed the ownership
46 of the property and the long term plan of the owners to divide the property to provide
47 flexibility in future use and sale of property.
48

49 Mr. Beck stated his opinion that given the size of the homes and proposed lots the
50 price of the homes would inherently be affordable.
51

52 Mr. Beck stated that he believes that the pride of individual ownership will help
53 ensure the proposed lots/properties stay well-maintained and will be a benefit of the
54 project.
55

56 Mr. Beck provided comparative information on lot coverage.
57

58 Mr. Beck discussed the issue of whether deed restrictions were necessary. Mr. Beck
59 stated that current rents being charged are approximately \$1,200, well below the
60 \$1,900 that would be allowed if the units were restricted to moderate income. Mr.
61 Beck stated that \$1,200 reflects the market value and does not believe the market
62 would support higher rents.
63

64 Regarding for sale pricing, Mr. Beck stated that he believed the homes might sell in
65 the neighborhood of \$200,000 – well below the \$310,000 that moderate income deed
66 restriction would allow.
67

68 Mr. Beck stated that it was his opinion that the units/lots by their very nature will be
69 affordable and restrictions are unnecessary.
70

71 Mr. Beck questioned staff's position that there must be some additional benefit in
72 return for allowing rezoning of a property to Planned Development. Mr. Beck stated
73 he believes the benefit of creating home-ownership opportunities is enough and there
74 is no need to extract additional restrictions.
75

76 Mr. Beck stated that restrictions may result in unintended consequences – citing the
77 likelihood that restrictions will make future purchase and sales of the homes more
78 complicated.
79

80 **Tom Crowley**, 493 Downhill Lane (owner, applicant). Mr. Crowley discussed the
81 garage and their intentions to reconstruct the garage.
82

83 Mr. Crowley also discussed the issue of second stories, noting that there are a
84 number of two story homes in the neighborhood. Mr. Crowley stated that while there

85 were no immediate plans to build a second story they would like to keep that option
86 open.

87
88 **Chairman Manfredi** asked Mr. Crowley what the current heights of the homes are
89 now and noted there's a height restriction of 25 feet.

90
91 **Commissioner Kite** asked Mr. Crowley what the immediate plans for the homes was
92 and for clarification on the garage structures.

93
94 **Commissioner Kusener** asked for clarification on what the owners intent is after the
95 property is subdivided, asking if the lots will be sold or kept by the current owners.

96
97 **Commissioner Kusener** asked **Mr. Beck** what the square-foot value of homes in the
98 subject are of town are. Mr. Kusener expressed some skepticism that the value of
99 the homes is what the applicant states.

100
101 **Commissioner Kusener** expressed some doubt about rezoning if the only merit is
102 that it provides the owners some flexibility in their use and disposition.

103
104 **Mr. Beck** stated that in addition to providing personal flexibility he believes there is
105 benefit to the project because it may open the door for consideration of smaller lots
106 and smaller homes.

107
108 **Planning Manager MacNab** cautioned the Planning Commission that moving
109 forward with allowing smaller lots and smaller homes in established neighborhoods
110 on a case-by-case basis would be of concern to staff.

111
112 **Chairman Manfredi** invited members of the public wanting to comment on the
113 proposed development concept to come forward.

114
115 **Clarence Luvisi**, 285 Rosedale Road. Mr. Luvisi noted that affordable housing is a
116 big issue and that proposed project looks like a win-win situation.

117
118 Mr. Luvisi asked several questions related to zoning and why there is a need to
119 change the zoning on the property.

120
121 In regards to second stories, Mr. Luvisi suggested that single-story be allowed in the
122 front portion of the property with two-story development located further back towards
123 the rear of the property.

124
125 **Chairman Manfredi** closed the public comment period.

126
127 **Commissioner Kite** asked why the R-3 district has a 6,000 square foot minimum lot
128 size. **Planning Manager MacNab** stated he did not know for sure, but speculated
129 that 6,000 feet was determined to be an appropriate minimum for multi-unit
130 development projects.

132 **Commissioner Kite** asked staff if they were aware of other communities that have
133 zoning which allows or provides for 2,400 square foot lots. **Planning Manager**
134 **MacNab** responded that he knows the City of Santa Rosa has such a standard and
135 that it is likely other communities do too. Mr. MacNab also noted that in the Housing
136 Element there is a program action calling for consideration of converting the R-2
137 district into a district that would allow small lot attached development.

138
139 **Commissioner Kite** observed that there were other properties in the area with
140 multiple units and asked if staff had any idea if these properties or others were
141 contemplating making similar requests. **Planning Manager MacNab** responded that
142 staff did not know if any other owners were contemplating coming forward with similar
143 proposals, but that if the Commission supports the concept it would not be surprising
144 if they did.

145
146 **Senior Planner Lundquist** added that the Planning Commission should consider
147 how community character can be retained and noted one way to ensure that it is
148 would be to require design guidelines for individual units.

149
150 **Commissioner Kite** stated he thought this project may have significant policy
151 implications and suggested that City Council input on this issue may be warranted.

152
153 **Vice Chair Coates** informed the Commission that one thing the Housing Element
154 Advisory Committee did strongly support the creation of moderate income ownership
155 opportunities. Mr. Coates stated he is more inclined to support the concept because
156 the units are existing and sees this project as a great opportunity to provide
157 affordable homeownership in the community. Mr. Coates stated that he thought the
158 PD zoning is an appropriate tool to apply to make this opportunity happen.

159
160 **Chairman Manfredi** asked for clarification on what the process would be for adding a
161 second story. **Planning Manager MacNab** stated it depends on whether the PD
162 addresses second stories. He stated that if the PD does not contain any second
163 story provisions, the addition of a second story would only require a building permit.

164
165 **Vice Chair Coates** commented that it might be preferable to have any future second
166 story addition to the homes go through design review.

167
168 **Chairman Manfredi** lead the Commission through the questions posed by staff in the
169 staff report and brought the Commission to consensus on the following issues:

170
171 1. Deed Restrictions

172
173 **Commissioner Kusener** stated he thought these units would by their nature
174 tend to be affordable and asked if the restrictions would help in complying with
175 State housing laws. **Planning Manager MacNab** stated that while restricting an
176 existing unit to be affordable is worth reporting on, the State is primarily
177 interested in the creation of new affordable units.
178

179 **Commissioner Kite** asked if the applicant's statement that deed restrictions
180 would make sale of the lots more difficult was true. **Planning Manager**
181 **MacNab** stated that while restrictions would likely create an extra hurdle to go
182 through, they are common and are not insurmountable.

183
184 **Commissioner Kite** asked about the City's experience with for-sale deed
185 restricted homes. **Planning Manager MacNab** stated that the City has had
186 some bad experiences with for sale homes that it had second position on, but
187 would not foresee similar troubles with these homes because they are in private
188 ownership.

189
190 **Vice Chair Coates** stated that securing loans is a very difficult process in
191 today's market and expressed concern that another layer of government
192 bureaucracy may make sale an insurmountable proposition. Mr. Coates stated
193 that he believes the homes will be affordable by nature and that the
194 Commission should take this into consideration when determining if any
195 additional public benefit should be required.

196 **Commissioner Kite** reiterated his comment that this may be a policy issue that
197 warrants City Council input/direction.

198
199 **Commissioner Bush** concurred with Vice Chair Coates suggestion that the
200 size of the homes and lots in and of themselves will likely keep the homes
201 affordable and no additional requirements are needed.

202
203 **Chairman Manfredi** stated he thought this would be a precedent setting project
204 and that since a precedent is being set it would be appropriate to require a deed
205 restriction on one of the properties.

206
207 **Vice Chair Coates** asked for clarification from Chairman Manfredi on what a
208 deed restriction would look like. **Chairman Manfredi** responded that a
209 restriction should be for moderate income at 100% of the median County
210 income. Mr. Coates stated he thought that would be reasonable and suggested
211 that even 80% of the County median income would be reasonable.

212
213 **Commissioner Kusener** stated that he does not believe the City needs to
214 mandate any affordability level.

215
216 **Vice Chair Coates** asked Mr. Beck for pricing information in Saratoga Manor.
217 **Mr. Beck** approximated that homes in Saratoga Manor were selling between
218 \$135,000 and \$175,000.

219
220 **Commissioner Kite** asked if the deed restriction simply regulates sales price or
221 if it is household income based. **Planning Manager MacNab** stated that the
222 restriction would limit the sales price to a price affordable to a moderate income
223 household.

224

225 **Chairman Manfredi** took a final poll of the Commission on this issue. It was
226 the majority consensus of the Planning Commission that establishment of a
227 deed restriction on one lot is appropriate for considering rezoning the property
228 to Planned Development. The Planning Commission directed staff to work with
229 the applicant on identifying the appropriate level of affordability.

231 2. Driveways/On-Site Parking

232
233 **Commissioner Kite** stated he believed that it was very unlikely that the
234 garages on the center and westerly lots would be used for parking cars. Mr.
235 Kite stated he was comfortable with allowing these to be accessory storage
236 structures (non-habitable).

237
238 **Commissioner Kusener** asked for clarification from Commissioner Kite on
239 whether he supporting garages on the subject lots. **Commissioner Kite**
240 clarified that he does not believe there is sufficient space for parking two
241 vehicles on each lot and that the garage structures are not really necessary.
242 Mr. Kite stated he was comfortable with allowing for one off-street parking space
243 in a driveway.

244
245 **Chairman Manfredi** asked staff to summarize the Commission's position on
246 this issue. **Planning Manager MacNab** stated that the Commission's direction
247 was to not require a garage structure on these lots, allow a non-habitable
248 storage structure in its place, and require that one off-street parking space be
249 provided in a driveway.

250
251 **Commissioner Kusener** stated his concern about parking conditions and
252 physical appearance along this major entry into town and stated that he did not
253 concur with the consensus of the Commission.

254
255 3. Second Stories

256
257 **Commissioner Bush** stated she would not be in favor of restricting the units to
258 one story if there could be a process that would allow for design review of
259 second story addition.

260
261 **Chairman Manfredi** concurred with Commissioner Bush.

262
263 **Commissioner Kusener** expressed some concern about allowing additional
264 intensity on the lots, but was willing to consider it if proposals went through a
265 design review process.

266
267 **Chairman Manfredi** summarized that the Commission's comment on this
268 aspect is that second stories should be allowable, subject to design review by
269 the Planning Commission.

270
271 4. Other

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Chairman Manfredi suggested that accessory structures should be designed to reflect or be consistent with the design of the home on the property.

Commissioner Kusener added a closing comment that he felt the project would provide a benefit of homeownership opportunity to the community.