

RESOLUTION NO. 2013-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA GRANTING A WAIVER FROM THE UTILITY UNDERGROUNDING REQUIREMENT FOR THE BERRY COTTAGES PROJECT LOCATED AT 1110, 1112 & 1116 BERRY STREET (APN 011-242-001) WITHIN THE "PD", BERRY COTTAGES PLANNED DEVELOPMENT DISTRICT.

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2       **WHEREAS**, an application was submitted by the Property Owners, Robert  
3 and Valerie Beck and Thomas Crowley on October 5, 2012 requesting: 1) the  
4 rezoning of the property from an "R3", Residential/Professional Office to a "PD",  
5 Planned Development Zoning District, 2) a Parcel Map, 3) a Preliminary/Final  
6 Development Plan, and 4) a waiver from the undergrounding of utilities allowing  
7 the creation of 3 parcels from an already developed property located at 1110,  
8 1112 and 1116 Berry Street (APN 011-242-001); and  
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10       **WHEREAS**, per Section 16.16.090(A) of the Calistoga Municipal Code the  
11 property owners would be required to underground the service drops across  
12 Berry Street; and  
13

14       **WHEREAS**, per Section 16.02.080(B) of the Calistoga Municipal Code the  
15 property owners have requested a waiver from the requirement to underground  
16 the service drops across Berry Street; and  
17

18       **WHEREAS**, the Planning Commission has reviewed and considered this  
19 application at its regular meeting on January 9, 2013, and prior to taking action  
20 on the application, the Commission received written and oral reports by the Staff,  
21 and received public testimony. After considering the project, the Commission  
22 adopted Resolution PC 2013-05 recommending a waiver from the utility  
23 undergrounding requirements based upon findings presented in the Staff Report;  
24 and  
25

26       **WHEREAS**, the City Council has reviewed and considered the application  
27 for the Project at its regular meeting on February 19, 2013 and prior to taking  
28 action on the application, the Council received written and oral reports by the  
29 Staff, and received public testimony;  
30

31       **WHEREAS**, this action has been determined to not be subject to the  
32 California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the  
33 CEQA Guidelines; and  
34

35       **WHEREAS**, the City Council, pursuant to CMC Section 16.02.080(B) has  
36 made the following findings:  
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- 38       1. There are unique circumstances or conditions affecting the property

39 relative to size, shape or topography.

40

41 The circumstances for which the waiver is sought are unique to the parcel  
42 of land. The property is currently developed with three cottages. The  
43 existing service drops extend from distribution lines located outside of the  
44 subdivision to each of the existing cottages. Requiring the service drops to  
45 be placed underground in order to split the parcel into three lots is an  
46 undue hardship.

47

48 2. The waiver or modification will improve the overall subdivision design.

49

50 Typically, overhead utilities are placed underground to protect the scenic  
51 quality within the vicinity. In this case the service drops are high enough  
52 and separated such that they do not visually detract or obstruct from  
53 surrounding views. Furthermore, trenching across the concrete roadway  
54 would potentially lead to unnecessary fractures and failures in the  
55 roadway.

56

57 3. The property is to be devoted to such use that it is impossible or  
58 impracticable in the particular case for full compliance.

59

60 The requirement to underground public utilities is not necessary to  
61 accommodate the installation of right-of-way and/or frontage  
62 improvements. Typically, overhead utilities are placed underground in  
63 conjunction with substantial roadway improvements due to economies of  
64 scale. In this case, only a limited amount of frontage is being improved  
65 (i.e., curb, gutter and sidewalk repair/replacement) and the  
66 undergrounding would require multiple trenches across an existing  
67 concrete roadway. Trenching across the concrete roadway would  
68 potentially cause unnecessary fractures and failures. The undergrounding  
69 should occur in conjunction with a larger roadway project.

70

71 4. Approval of any waiver or modification does not result in lots, which are in  
72 conflict with the zoning ordinance.

73

74 The purpose and intent of the zoning ordinance is: 1) to provide a plan of  
75 development for the City, and to guide, control and regulate the future  
76 growth of the City in accordance with the City's General Plan, and 2) to  
77 protect the established character of the City. Granting a waiver from the  
78 underground public utilities requirement will not be in conflict with the  
79 stated purpose of the Zoning Ordinance since the property is already  
80 developed and would not alter the character or order of development  
81 already existing in the neighborhood.

82

83           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga City  
84 Council that based upon the above findings, it waives the requirements to  
85 underground utilities for the Berry Cottages Subdivision at 1110, 1112 and 1116  
86 Berry Street (APN 011-242-001) located within the “PD 2012-01 Berry Cottages  
87 Planned Development District.”  
88

89           **PASSED, APPROVED AND ADOPTED** by the City Council of the City of  
90 Calistoga at a regular meeting held this **19th day of February, 2013**, by the  
91 following vote:  
92

93 **AYES:**  
94 **NOES:**  
95 **ABSENT:**  
96 **ABSTAIN:**  
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98 \_\_\_\_\_  
99 **CHRIS CANNING, Mayor**

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101  
102 **ATTEST:**  
103  
104 \_\_\_\_\_  
105 **AMANDA DAVIS, Deputy City Clerk**

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2013-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE CALISTOGA MUNICIPAL CODE REZONING THE PROPERTY LOCATED AT 1110, 1112 & 1116 BERRY STREET (APN 011-242-001) FROM AN "R3", RESIDENTIAL /PROFESSIONAL OFFICE DISTRICT TO THE "PD 2012-01", BERRY COTTAGES PLANNED DEVELOPMENT DISTRICT.**

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

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

**WHEREAS**, the Planning Commission considered the proposed zoning ordinance map and text amendment at its regular meeting on January 9, 2012. Prior to taking action, the Planning Commission received written and oral reports by the staff, and received public testimony; and

**WHEREAS**, the Planning Commission has recommended the proposed zoning ordinance map and text amendment establishing the "PD 2012-01", Berry Cottages Planned Development District as provided in Exhibit A, which will ensure that the property is adequately defined and regulated, based on the following findings:


1. The proposed zoning ordinance amendment will provide flexibility in the development while allowing for unique circumstances, and perpetual maintenance of a small lot residential development without adversely impacting the quality that make the community unique.
2. The proposed map and text amendment is consistent with the City's General Plan High Density Residential land use designation. Provisions for uses and proposed revised development standards will ensure preservation of the small town character of the area. Furthermore, design review is required for second story addition, which will help ensure compatibility with the surrounding development.
3. The proposed text amendment promotes and enhances the rural traditions of the community and is necessary and proper to balance the natural and built environment of this site at one of Calistoga's important gateways to the community.

4. The proposed text amendment is necessary and proper to ensure that the small town character of the community is preserved and enhanced consistent with the General Plan, while providing reasonable opportunity to establish a high quality and creative winery project.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission that based on the above findings, recommends to the City Council adoption of the proposed text amendment to establish the "PD 2012-01, Berry Cottages Planned Development District, as shown in Exhibit A.

**PASSED, APPROVED, AND ADOPTED** on January 9, 2013, by the following vote of the Calistoga Planning Commission:

AYES: MANFREDI, COATES, KUSENER  
NOES: NONE  
ABSENT: BUSH, COOPER  
ABSTAIN: NONE

  
JEFF MANFREDI, CHAIRMAN

ATTEST:

  
ERIK V. LUNDQUIST  
Acting Secretary to the Planning Commission

**Article X. PD 2012-01**

**(Berry Cottages Planned Development District)**

**XX.XX.XXX – Purpose.**

This planned development district regulates development of property located at 1110, 1112 and 1116 Berry Street (APN 011-241-001), as shown on the Zoning Map of the City of Calistoga, California, dated February 5, 1991, as amended. The "PD 2012-01", Berry Cottages Planned Development District is important to the community, as it contains property that is suitable for a high-density residential development. Developments in this district shall be in conformance with the following regulations.

**XX.XX.XXX Uses Allowed.**

**A. Uses Allowed Without a Use Permit.**

1. Single-family dwellings;
2. Home occupations in accordance with Chapter 17.21 CMC;
3. Uses determined by the Planning Commission to be similar in nature, as provided in the procedures in Chapter 17.02 CMC.

**B. Uses Requiring Use Permit.**

1. Churches;
2. Professional offices;
3. Uses determined by the Planning Commission to be similar in nature as provided in the procedures in Chapter 17.02 CMC.

**C. Allowed Accessory Uses.** Accessory buildings and uses whose use is clearly incidental and subordinate to the main use, including a storage shed or similar structure; provided, that no accessory building or use shall be constructed or established prior to the construction of a main building, or on a lot separate from the main building;

**D. Prohibited Uses.** Uses not specified in subsections (A) through (C) of this section are prohibited.

**XX.XX.XXX Height limits.**

Height limit of buildings and structures in PD 2012-01 shall be 25 feet, unless otherwise provided in Chapter 17.38 CMC.

**XX.XX.XXX Development Standards.**

**A. Minimum Lot Area.**

1. 2,200 square feet.

- B. Minimum Lot Width.
  - 1. Interior lot: 40 feet;
  - 2. End and corner lot: 37 feet.
- C. Minimum Lot Depth.
  - 1. Interior lot: 60 feet;
  - 2. End and corner lot: 60 feet.
- D. Minimum Lot Density.
  - 1. On all lots, no more than one dwelling unit.
- E. Minimum setbacks and structural separations for main buildings shall be as follows, unless otherwise provided in this section:
  - 1. Front yard: 10 feet – Berry Street;
  - 2. Street side yard: 3 feet – Myrtle Street;
  - 3. Interior side yard: 3 feet
  - 4. Rear yard: 10 feet
- F. Minimum Setbacks for Accessory Buildings.
  - 1. Setbacks for accessory buildings and structures from the property lines shall be three feet except that no accessory building or structure shall be allowed in the required front or street side yard unless otherwise provided in CMC 17.38.050.
- G. Lot Coverage. Maximum coverage of a lot by all buildings or structures, including accessory structures shall be 40 percent.
- H. Parking Requirements. Unless authorized with a use permit, on-site parking is prohibited.

**XX.XX.XXX Design review.**

Design review shall be required for all second story additions and buildings or structures requiring a use permit in this section.

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION NO. 2013-03**

Attachment 6

**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.**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC (Resource Management System) shall be made prior to

project approval. Said allocation shall be valid for one year and shall not be subject to renewal.

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

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

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

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

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

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

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

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

1. This permit authorizes the subject site to be split into three lots to create an individual lot for each of the existing homes on the site consistent the Tentative Parcel Map received October 5, 2012 and consistent with all other City Ordinances, rules, regulations, and policies. The conditions listed below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
2. Approval of this permit is limited to conformance with the land use provisions contained in the City's Zoning Ordinance. Use of the property shall be limited to those uses identified in the Findings above and the Staff

Report dated January 9, 2013. Any changes to the approved use are subject to the provisions of the Zoning Ordinance, as it exists now or may be amended in the future.

3. Development and use of the project shall conform to all required conditions established herein. Failure to comply with these conditions may result in amendment by the Planning Commission or possible revocation to protect the public health, safety and general welfare of the community, as set forth in the City's Zoning Ordinance.
4. This Preliminary Development Plan is approved contingent upon the applicant applying for and receiving approval to rezone the site from an "R3", Residential/Professional Office District to a "PD", Planned Development Zoning District. If the site is not rezoned to a "PD", Planned Development Zoning District, this approval shall be null and void.
5. Each unit shall have illuminated address numbers that are clearly visible to the street day and night.
6. All perimeter fencing shall be subject to review and approval by the Planning and Building Department. The Planning and Building Department shall pay particular attention to the project's aesthetics and sight lines.
7. All landscaping shall be maintained throughout the life of the project, and shall be replaced as necessary.
8. This permit shall be null and void if not used by January 9, 2016, or if the use is abandoned for a period of 180 days.

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

AYES: MANFREDI, COATES, KUSENER  
NOES: NONE  
ABSENT: BUSH, COOPER  
ABSTAIN: NONE

  
\_\_\_\_\_  
JEFF MANFREDI, Chairman

ATTEST:

  
\_\_\_\_\_  
ERIK V. LUNDQUIST  
Acting Planning Commission Secretary