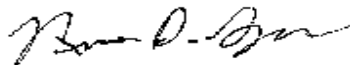


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Erik V. Lundquist, Senior Planner
DATE: February 19, 2013
SUBJECT: BERRY COTTAGES, 1110, 1112, 1116 Berry Street
APN 011-242-001

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

1 **ISSUE:** Consideration of a Planned Development application requested by the
2 property owners, Robert and Valerie Beck and Thomas Crowley to include; 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).

8
9 This proposed action is exempt from the California Environmental Quality Act
10 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines since the proposed
11 project has no potential for causing a significant effect on the environment.

12
13 **RECOMMENDATIONS:**

- 14
15 A. Introduce Ordinance and waive the first reading approving a Zoning
16 Ordinance Text and Map Amendment establishing the "PD 2012-01 Berry
17 Cottages Planned Development District."
18 B. Adopt a Resolution approving the Preliminary & Final Development Plan.
19 C. Adopt a Resolution approving a Tentative Parcel Map.

20 D. Adopt a Resolution granting a waiver from utility undergrounding
21 requirements.

22
23 **BACKGROUND:** This matter was heard by the Planning Commission on
24 January 9, 2013. During this meeting the Planning Commission heard
25 presentations from staff and the applicant, and heard testimony from the public.
26 The two major issues identified by Planning Commission were applicability of the
27 Quality of Life Development Impact Fee (\$3,000/parcel) and the imposition of
28 affordable housing restrictions. Ultimately, the Commission reached a consensus
29 that the Quality of Life Development Impact Fee was applicable but affordable
30 housing restrictions should not be required for the project. Following discussion
31 and deliberation, the Planning Commission recommended that the City Council
32 take the following actions; 1) approve a Zoning Ordinance Text and Map
33 Amendment, 2) approve a Preliminary/Final Planned Development, 3) approve a
34 Tentative Parcel Map, and 4) grant a waiver from the utility undergrounding
35 requirements. See attached Planning Commission Resolutions and Staff Report
36 for details regarding the Planning Commission's consideration.

37
38 **DISCUSSION:** The subject site is located at the southwest corner of Berry and
39 Myrtle Streets and is zoned for high density housing and professional office uses
40 ("R3", Residential/Professional Office). The site is 7,200 square feet in size and
41 is currently developed with three small detached single-family homes, each
42 approximately 675 square feet in size. The property owners have filed an
43 application requesting to subdivide the subject site into three lots to create an
44 individual lot for each of the existing homes. The land use actions required for
45 this application include consideration of a Zoning Ordinance Text and Map
46 Amendment, Preliminary & Final Development Plan and Parcel Map. The
47 property owners have also requested a waiver from the utility undergrounding
48 requirements. A discussion on each of these aspects of this project follows.

49
50 **A. Zoning Ordinance Text and Map Amendment**

51
52 The contemplated project (i.e., subdividing the subject site into three lots to
53 create an individual lot for each of the existing homes) results in conditions that
54 are not consistent with the development standards of the R-3 Zoning District,
55 including minimum lot area, minimum lot dimensions, front yard setbacks and
56 parking. Given this, the owners are proposing that the project site be rezoned to
57 a Planned Development ("PD") Zoning District to allow for variation in applicable
58 zoning and development standards.

59
60 The proposed rezone to a "PD" zoning district would establish development
61 standards specific to the property. There are development standards in every
62 zoning district. For example, each district contains a list of allowed uses,
63 conditionally permitted uses and allowed accessory uses—some include a listing
64 of prohibited uses as well. Each district also contains the dimensional

65 requirements associated with development within the district, such as height
66 standards, setbacks, lot coverage, and off-street parking standards. Typically,
67 the zoning standards also establish the minimum lot sizes to include depth and
68 width requirements. The proposed zoning contains these standards, but also
69 contains design review requirements, which are unique to the subject site (See
70 Draft PD District language in Attachment No. 1).

71
72 It should be noted that all applications requesting approval of a rezone shall be
73 brought to the City Council for consideration of whether a Development
74 Agreement would be appropriate for this project proposal. At this time the
75 applicant has not indicated a desire for a Development Agreement.

76 77 **B. Preliminary and Final Development Plan**

78
79 The property is proposed to be rezoned to the “PD 2012-01 Berry Cottages
80 Planned Development Zoning District”, which requires a Preliminary and Final
81 Development Plan pursuant to Chapter 17.24 of the Calistoga Municipal Code.

82
83 The Applicant has submitted a Preliminary and Final Development Plan, which is
84 Tentative Parcel Map design titled “Tentative Parcel Map of the Lands of Thomas
85 Crowley and Robert Beck et al” prepared by Terra Firma Surveys, Inc., which
86 was received on October 5, 2012 by the Planning and Building Department. As
87 presented, the Preliminary and Final Development is used to assist the City with
88 the design and control of the Tentative Parcel Map. In this particular case, the
89 Preliminary Development Plan is also intended to help shape the development of
90 the three lots in a manner that achieves a desired vision for design and character
91 compatibility with the environmental features and surrounding neighborhood.

92
93 With the incorporation of conditions of approval, Staff believes that the
94 Preliminary and Final Development Plan is sufficient to determine consistency
95 with the 2003 General Plan Update, ensure perpetual maintenance of the
96 property and its improvements and determine compatibility with the surrounding
97 neighborhood.

98 99 **C. Tentative Parcel Map**

100
101 Due to the size and scope of this project, the property owners have elected to file
102 a Tentative Parcel Map concurrently with the aforementioned Preliminary and
103 Final Development Plan. The Tentative Parcel Map is necessary to divide the
104 existing 7,200 square foot parcel into the three new parcels. The State
105 Subdivision Map Act and the Calistoga Municipal Code govern the proposed
106 Tentative Parcel Map. CMC Section 17.24.090 of the Calistoga Municipal Codes
107 states,

108
109 *“17.24.090 Subdivision of planned unit development.*

- 110 A. *The Planning Commission may approve subdivision of a*
111 *planned development into lots or as a condominium if the*
112 *Planning Commission finds that adequate provisions are*
113 *enforced to insure the perpetual maintenance of all areas and*
114 *improvements proposed to be owned in common, and to insure*
115 *that additional development will conform with the approved plan.*
116 B. *If approval is granted for subsequent division after approval of*
117 *the preliminary development plan, the approved plan shall*
118 *govern the development on each of the separate parcels.”*
119

120 The proposed lots are designed to meet the requirements of proposed “PD 2012-
121 01” zoning district.

122

123 **D. Underground Utilities Waiver**

124

125 The Applicant has submitted a request to waive the undergrounding
126 requirements. The existing electricity and telephone poles and distribution lines
127 are located across Berry Street and service drops extend overhead to the
128 houses. Per Section 16.16.090 (A) of the Calistoga Municipal Code, the property
129 owners would be required to underground the service drops across Berry Street
130 but not the poles and distribution lines since they are on the opposite side of the
131 street outside of the subdivision boundary.

132

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

135

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

139

140 1. *There are unique circumstances or conditions affecting the*

141

142 2. *The waiver or modification will improve the overall*

143

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

147

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

150

151 *In all cases in which such modifications are authorized, the Council*
152 *shall require such evidence as it deems necessary that the*
153 *conditions required in connection with such modifications are being*
154 *met.”*

152

153 The Planning Commission found that the findings could be made to grant the
154 waiver and recommended that the City council grant the waiver. In this case, the

155 requirement to install underground public utilities is not necessary to
156 accommodate the installation of right-of-way and/or frontage improvements.
157 Typically, overhead utilities are placed underground in conjunction with
158 substantial roadway improvements due to economies of scale. Only a limited
159 amount of frontage is being improved (i.e., curb, gutter and sidewalk
160 repair/replacement) and the undergrounding would require multiple trenches
161 across an existing concrete roadway. Trenching across the concrete roadway
162 would cause unnecessary fractures and failures. Furthermore, overhead utilities
163 are placed underground to protect the scenic quality within the vicinity. In this
164 case the service drops are high enough and separated such that they do not
165 visually detract or obstruct from surrounding views.
166

167 **GENERAL PLAN CONSISTENCY:** The subject site has a General Plan land use
168 designation of High Density Residential/Office (10 to 20 units per acre). Allowed
169 uses in this land use designation generally include higher density (multi-unit)
170 housing, offices, senior housing and dedicated affordable housing. The Planning
171 Commission found that the project is consistent with the General Plan since the
172 contemplated conversion of a multi-unit property into three single-unit properties
173 would advance the objective of providing residential units for a specific economic
174 segment of the community (Objective H-1.1) at a density that is at the upper end
175 of the allowable density range (18 units per acre).
176

177 **ENVIRONMENTAL ANALYSIS:** This proposed action is exempt from the
178 California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the
179 CEQA Guidelines since the proposed project has no potential for causing a
180 significant effect on the environment.
181

182 **FISCAL IMPACT:** Staff time and direct expenses associated with the processing
183 of this project has been offset by the applicant through application processing
184 fees. Long-term economic benefits to the City of Calistoga associated with this
185 project are anticipated in terms of increased property tax. A Quality of Life fee of
186 \$9,000 would be contributed towards the City's recreational and cultural facilities.
187

188 **ATTACHMENTS:**

- 189
- 190 1. Draft Ordinance approving a Zoning Ordinance Text and Map Amendment
 - 191 2. Draft Resolution approving Preliminary & Final Development Plan
 - 192 3. Draft Resolution approving a Tentative Parcel Map
 - 193 4. Draft Resolution granting a Waiver from the Utility Undergrounding
194 Requirements
 - 195 5. Planning Commission Resolution PC 2013-02, Zoning Ordinance Text and
196 Map Amendment
 - 197 6. Planning Commission Resolution PC 2013-03, Preliminary & Final
198 Development Plan
 - 199 7. Planning Commission Resolution PC 2013-04, Tentative Parcel Map

- 200 8. Planning Commission Resolution PC 2013-05, Waiver from Utility
- 201 Undergrounding
- 202 9. Planning Commission Meeting Minutes Excerpt dated January 9, 2013
- 203 10. Planning Commission Staff Report dated January 9, 2013 (*Abbreviated*
- 204 *Version, no attachments*)
- 205 11. Project Description Prepared by Applicant Received October 5, 2012
- 206 12. Tentative Parcel Map
- 207 13. Vicinity Map
- 208 14. 2012 Napa County Annual Income Limits – Affordable Rental Limits